

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH)
BENEFITS FUND, PIRELLI ARMSTRONG)
RETIREE MEDICAL BENEFITS TRUST;)
TEAMSTERS HEALTH & WELFARE FUND)
OF PHILADELPHIA AND VICINITY;)
PHILADELPHIA FEDERATION OF)
TEACHERS HEALTH AND WELFARE)
FUND; DISTRICT COUNCIL 37, AFSCME -)
HEALTH & SECURITY PLAN; JUNE)
SWAN; MAUREEN COWIE and BERNARD)
GORTER,)

Plaintiffs,)

v.)

FIRST DATABANK, INC., a Missouri)
corporation; and McKESSON)
CORPORATION, a Delaware corporation,)

Defendants.)

C.A. No. 1:05-CV-11148-PBS

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS PLAINTIFFS’
POST-HEARING SUBMISSION IN RESPONSE TO THE COURT’S QUESTIONS**

I, Steve W. Berman, hereby declare that:

1. I am a partner of Hagens Berman Sobol Shapiro LLP, resident in its Seattle, Washington, office, and I am one of counsel for the Plaintiffs in the above-captioned matter. I submit this declaration in support of Class Plaintiffs’ Post-Hearing Submission In Response to the Court’s Questions.

2. Attached hereto as Exhibit 1 is a true and correct copy of a report titled “Cost Containment Strategies for Prescription Drugs: Assessing the Evidence in the Literature”,

prepared for The Kaiser Family Foundation by: Jack Hoadley, Ph.D, dated March 2005
(pertinent pages only).

3. Attached hereto as Exhibit 2 is a true and correct copy of a chart titled “Changes to TPPs’ PBM Contracts Over Time Re: Retail Brand Drugs. This is a summary chart based on the documents cited in the chart. **[FILED UNDER SEAL]**

4. Attached hereto as Exhibit 3 is a true and correct copy of a powerpoint presentation titled “Economics of the Pharmaceutical Industry”, by Patricia M. Danzon – The Washington School – August 2002 (pertinent pages only).

5. Attached hereto as Exhibit 4 is a true and correct copy of Patricia M. Danzon’s Faculty Profile.

6. Attached hereto as Exhibit 5 is a true and correct copy of Joseph P. Newhouse’s resume.

7. Attached hereto as Exhibit 6 is a true and correct copy of Expert Testimony Provided in the Last Four Years from Dr. Willig.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Deposition of Matthew Gibbs dated October 27, 2006 (pertinent pages only).

I certify under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of November, 2007.

/s/ Steve W. Berman

STEVE W. BERMAN

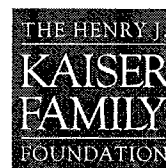
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on November 28, 2007.

/s/ Steve W. Berman

Steve W. Berman

Exhibit 1



Cost Containment Strategies For Prescription Drugs: Assessing The Evidence In The Literature

Prepared for The Kaiser Family Foundation by:

Jack Hoadley, Ph.D.
Health Policy Institute
Georgetown University

March 2005

3e. Coinsurance

In contrast to copayment systems, where a flat dollar amount (or series of different amounts based on tiers) is established for a drug claim, a coinsurance system establishes a percentage of the allowed drug cost as the patient's responsibility. The Medicare Modernization Act established a coinsurance system for the new Medicare Part D benefit. According to a 2003 survey of employers, the percentage using coinsurance increased from 22 percent in 2001 to 30 percent in 2003. Some plans use coinsurance only for second-tier or third-tier drugs, while using a flat copayment for the generic drugs in the first tier. In addition, some plans cap the amounts for the coinsurance-based cost sharing (PBMI).

Tiered coinsurance rates are sometimes established for brands and generics or for preferred and non-preferred drugs. The copayment and coinsurance approaches differ in that coinsurance amounts are automatically larger for more expensive drugs. The Kaiser/HRET survey of employer health benefits found average coinsurance rates of 20 percent for generic drugs, 26 percent for preferred drugs, and 31 percent for non-preferred drugs (Kaiser/HRET).

One advantage for payers of a coinsurance approach over copayments is that it is designed to require that beneficiaries pay a higher share of more expensive drugs, thus making them aware of these higher costs and more interested in considering less costly alternatives. Also, some plan managers choose this approach because coinsurance increases automatically as the cost of drugs increases. This allows them to avoid adjusting cost sharing amounts upward over time, a step that leads to enrollee discontent.

An issue with coinsurance is that it is likely to be based on a price that may not be the final transaction price. Coinsurance is based on the retail transaction price before any rebates are taken into effect. If the final amount paid is reduced by rebates or other considerations outside the retail transaction, then the beneficiary's share of the payment is actually higher than the nominal coinsurance amount. In addition, coinsurance may be less popular for patients because the amount owed is unpredictable. However, an Express Scripts presentation asserts that there is no evidence that coinsurance, compared with a flat copay, provided any advantage in promoting greater use of generic drugs, greater use of less expensive brand drugs, or slowed growth in overall drug utilization (Motheral et al.).

One pharmacy benefit manager (PBM) reported that nearly 40 percent of its clients had at least some members using coinsurance-based cost sharing (Medco Health). It expected that more clients would adopt this approach in the years to follow. They recommended that a typical coinsurance structure would charge 20 percent coinsurance for preferred drugs and 40 percent for non-preferred drugs.

Literature

Kaiser Family Foundation and Health Research and Educational Trust (HRET), *Employer Health Benefits: 2004 Annual Survey*, Menlo Park and Chicago 2004.

Medco Health, *Drug Trend Report* 4(1), September 2002.

Exhibit 2

[Redacted]

Exhibit 2 - Filed Under Seal

Exhibit 3



Economics of the Pharmaceutical Industry

Patricia M. Danzon
The Wharton School
August 2002

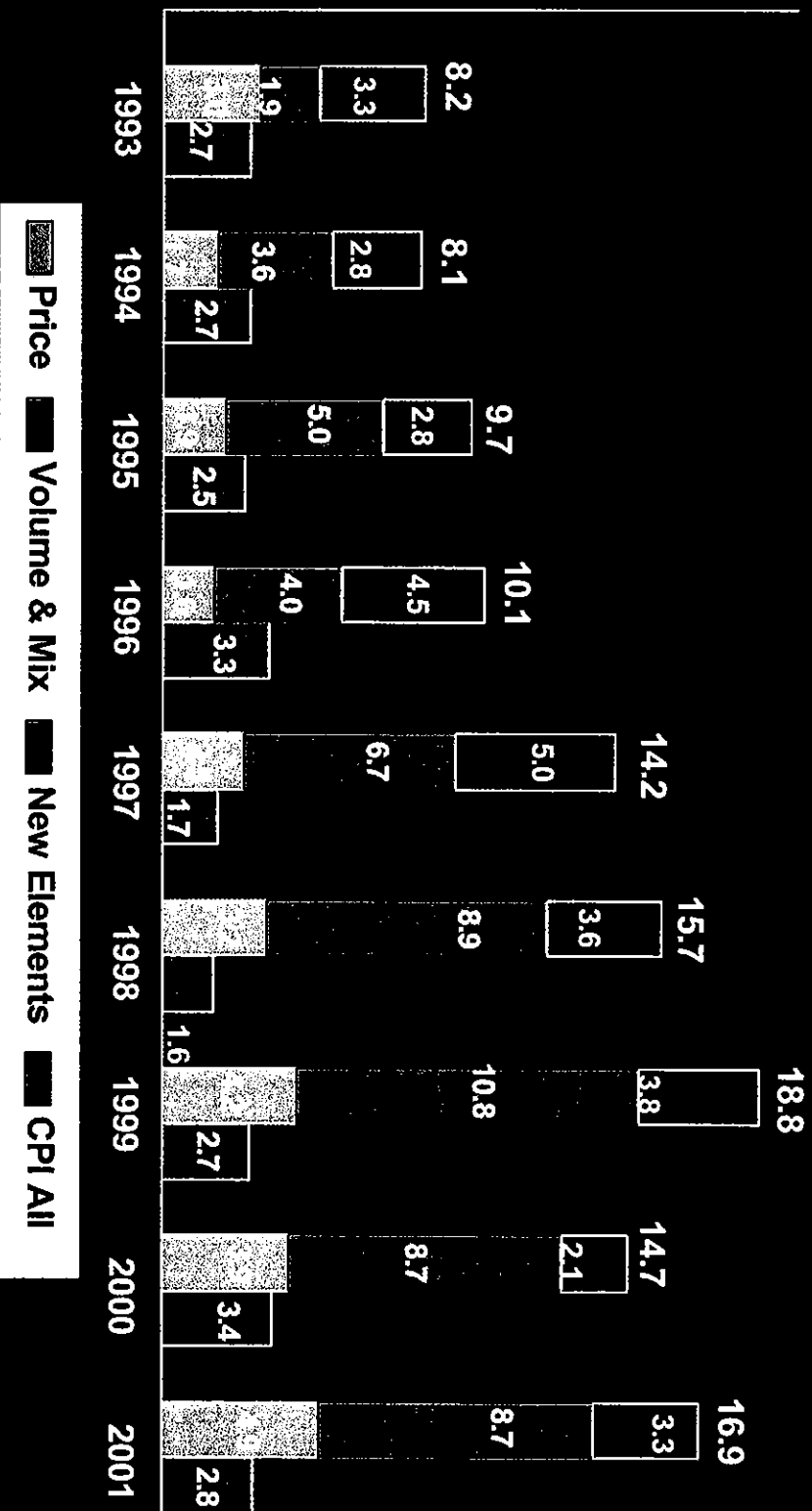


Our Agenda

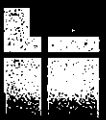
- Economics of R&D
 - Implications for costs and prices
- Insurance and its effects
- Prices and price differentials
 - Within the US and International
- Price growth over time
- Post-patent issues
- AWP

Growth in Spending is Due to Increases in Volume & Innovation, Not Price

Year Over Year Percentage Changes in Price, Mix, and Volume



Source: IMS; Bureau of Labor Statistics



Brand Patent Defense Strategies (1)

- Similar compound in same class
- Reformulations: Extended release forms etc.
- Manufacturers rationally promote new, patent-protected products and cease promotion of off-patent brand
 - Generics capture 80% of sales
 - Generics individually have no incentive to promote, because pharmacists can substitute
- PBMs in theory can use formulary design to steer patients/physicians to generics, if more cost-effective



Conclusions on AWP

- Not a good system, but no perfect alternative
If there were, PBMs would presumably use it
- Payers will inevitably use some list price
This is workable if their mark-downs are revised
based on periodic audits of actual acquisition costs
 - PBMs do this
- Would you blame automobile manufacturers if you choose to pay sticker price?

Exhibit 4



ACADEMIC PROGRAMS

EXECUTIVE EDUCATION

FACULTY & RESEARCH

ALUMNI NETWORK

CAMPUS

WHARTON FACTS

Patricia M. Danzon Faculty Profile

Patricia M. Danzon



Celia Z. Moh Professor; Professor of Health Care Systems and Insurance and Risk Management
Chairperson, Health Care Systems Department

PhD, University of Chicago, 1973;
MA, University of Chicago, 1969;

BA, University of Oxford, 1968

Research Areas

Health care; pharmaceuticals; insurance; liability; medical malpractice; industrial organization

Recent Consulting

Pharmaceutical regulation (Pfizer, Merck, Aventis etc.), 1994-present; Insurance regulation, Alliance of American Insurers, 1977-93, Insurance Services Office, 1988-95; Medical malpractice, American Medical Association, American Hospital Association, The Rand Corporation, 1984-94; Health Insurance, Health Insurance Association of America, Government of New Zealand, 1990-94, World Bank, Asian Development Bank

Current Projects

Pharmaceutical pricing, regulation, alliances, R&D productivity, vaccine supply, Medicare payment for pharmaceuticals. Medical malpractice insurance cycles. Health care financing in the U.S. and internationally.

Academic Positions Held

Wharton: 1985-present (Chairperson, Health Care Systems Department, 2004-present; 1994-97; named Celia Z. Moh Professor, 1991). *Previous appointment:* Duke University. *Visiting appointments:* University of Chicago; Australian National University; Victoria University, New Zealand

Other Positions

Senior Research Fellow, Hoover Institution, 1980-84;
Research Economist, The Rand Corporation, 1974-80

Career and Recent Professional Awards; Teaching Awards

Robert C. Witt Research Award, American Risk and Insurance Association, 1995; Adjunct Scholar, American Enterprise Institute, 1993-present; Member, Institute of Medicine, 1991-present; Elizur Wright Award, American Risk and Insurance Association, 1988

Professional Leadership 2003-2007

Associate Editor, *Journal of Health Economics*; Advisory Board Member, Office of Health Economics, London; Associate Editor, *International Journal of Health Care Finance*; Board Member, International Health Economics Association, 2001-2004

Corporate and Public Sector Leadership 2003-2007

Board Member, BIOSIS, 1999-present; Member, Steering Committee on Restructuring Medicare, National Academy of Social Insurance; Member, National Academy of Social Insurance, 1992-present

Representative Publications

Pharmaceutical Price Regulation: National Policies vs. Global Interests AEI Press, 1998.

Medical Malpractice: Theory, Evidence and Public Policy Harvard University Press, 1985.

(with S.E. Harrington)

"Price Cutting in Liability Markets." *Journal of Business* (1994).

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Patricia M. Danzon, Ph.D.
Health Care Systems Department
The Wharton School
University of Pennsylvania

Bio Sketch

Patricia Danzon is the Celia Moh Professor at The Wharton School, University of Pennsylvania, where she is a Professor and former Chair of the Health Care Systems Department, and Professor of Insurance and Risk Management. She is also Chair of the Health Care Systems Department. Professor Danzon received a B.A. First Class, in Politics, Philosophy and Economics, from Oxford University, England, and a Ph.D. in Economics from the University of Chicago. Dr. Danzon's previous positions include Associate Professor at Duke University, Research Economist at The Rand Corporation, and Visiting Professor at the University of Chicago.

Professor Danzon is an internationally recognized expert in the fields of health care, pharmaceuticals, insurance, and liability systems. She is a member of the Institute of Medicine and of the National Academy of Social Insurance. She is also a Research Associate of the National Bureau of Economic Research. Board memberships include the Board of the International Health Economics Association. She has served as a consultant on international health care issues to the World Bank, the European Commission Working Group on Pharmaceuticals, the New Zealand Treasury, the Asian Development Bank, and U.S. Agency for International Development. In the U.S. her consulting experience includes work for the American Medical Association, the American Hospital Association, the Insurance Services Office, the Institute for Civil Justice, the Alliance of American Insurers and the Pharmaceutical Manufacturers' Association.

Professor Danzon is an Associate Editor of the Journal of Health Economics and the International Journal of Health Care Finance and Economics. She was previously an Associate Editor of the American Economic Review, the Journal of Risk and Insurance and J. of Biolaw and Business. She has published widely in scholarly journals on a broad range of subjects related to medical care, pharmaceuticals, insurance, and the economics of law.

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[Publications](#)

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Health Care Systems Department
The Wharton School
University of Pennsylvania

CURRICULUM VITAE

CURRICULUM VITAE

Patricia M. Danzon

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Philadelphia, PA 19104

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Email danzon@wharton.upenn.edu

<http://hc.wharton.upenn.edu/danzon/index.htm>

EDUCATION

Ph.D., University of Chicago, Economics, 1973

MA, University of Chicago, Economics, 1969

BA First Class, University of Oxford, England, Politics, Philosophy and Economics, 1968

ACADEMIC POSITIONS

Chair, Health Care Systems Department, 2004 – 2007, 1994 – 1997

Celia Moh Professor, Health Care Systems, Insurance and Risk Management, The Wharton School, University of Pennsylvania, 1985 – present

Visiting Professor, University of Chicago, Center for the Study of the Economy and the State, 1988 - 1989

Associate Professor, Center for Health Policy and Institute of Policy Sciences; Adjunct Professor, Department of Economics; Lecturer, Law School; Duke University, 1984 - 1985

Senior Research Fellow, Hoover Institution, Stanford University, 1980 - 1984

Research Economist, The Rand Corporation, and Instructor, Rand Graduate Institute for Policy Studies
1974 - 1980

Visiting Assistant Professor, Economics Department, University of California, San Diego, 1978

Lecturer, University of Chicago, 1972

SELECTED CONSULTING EXPERIENCE

Alliance of American Insurers

American Hospital Association

American Medical Association

Analysis Group, Inc.

Asian Development Bank

California Commission on Tort Reform

Committee for Economic Development

C-S First Boston

Florida Medical Association

Health Insurance Association of America

Hospital Corporation of America

Institute for Civil Justice, The Rand Corporation

Insurance Services Office

Merck & Co. Inc.

New Zealand Business Roundtable

New Zealand Treasury

Pharmaceutical Research and Manufacturers Association

Pfizer, Inc.

U.S. AID

USHealthCare

World Bank

OTHER PROFESSIONAL ACTIVITIES

Editorial Boards

Journal of Health Economics, 1984 –

International Journal of Health Finance and Economics, 2000 –

Research in Law and Economics, 1990 –

Journal of Biolaw and Business, 1997 – 2000

Journal of Risk and Insurance, 1990 – 1997

Law, Medicine and Health Care, 1984 – 1989

American Economic Review, 1982 – 1985

Other Professional Appointments

Research Associate, National Bureau of Economic Research

National Institutes of Health, Fogarty International Center Advisory Board, 2004 – 2008

National Academies, Policy & Global Affairs Oversight Board, 2004 – 2007

Institute of Medicine, Member 1991 to present

Institute of Medicine, Board on Global Health, 2000 – 2004

Institute of Medicine, Committee on Malaria, 2002 – 2003

American Enterprise Institute, Adjunct Scholar, 1993 to present

National Academy of Social Insurance, Member 1992 to present

European Commission, Working Party on Creating a Single Market in Pharmaceuticals, 1996 – 1998

Association for Health Services Research, AHSR Fellow

New Palgrave Dictionary of Economics and the Law, Advisory Board Member

Australian National University, Centre for Law & Economics, Overseas Advisory Committee, Board Member

American Law and Economics Association, Board Member, 1991 – 1993

Economic Institute for Federal Judges, Faculty Member Program on Liability and Insurance, George Mason Law School, 1990, 1991

Committee for Economic Development, Project Director for Who Should Be Liable? A Guide to Policy for Managing Risk (published May 1989), 1987-1989

Co-editor, with Richard Epstein, Journal of Legal Studies, August 1984

Other Boards

International Health Economics Association, Board Member, 2000 -

Office of Health Economics, London. Policy Board 1995 -

International Health Economics Association, 2000 -

BIOSIS 1999

Choral Arts Society of Philadelphia, 1999 - 2002

Presbyterian Medical Center, Board, 1991 - 1993

Selected Executive Education and Conference Organization

Wharton Windhover Program for Pharmaceutical Executives. Program Co-Director with Roger Longman, The Aresty Institute, 1999- present

Wyeth Program on Global Positioning, Nov. 2004; April 2005

Aventis Leadersip Program, 2004

Wharton Impact Conference on Pharmaceutical Innovation in the Global Economy. Conference Organizer. The Wharton School, October 2002.

HONORS AND AWARDS

American Risk and Insurance Association, Award for Outstanding Article. "Alternative Liability Regimes for Medical Injuries: Evidence from Simulation Analysis." August 1995.

American Association of Risk and Insurance, Award for Outstanding Article. "Occupational Disease: Evaluating the Options," Journal of Risk and Insurance, June 1987, 1988.

American Risk and Insurance Association, Elizur Wright Award, for Medical Malpractice: Theory, Evidence and Public Policy, 1987.

VISITING APPOINTMENTS AND FELLOWSHIPS

Visiting Fellow, London School of Economics and City University, Spring 1998

Visiting Fellow, Institute de Sciences Politiques, Paris, Summer 1992, 1993

Visiting Fellow, CS First Boston and Victoria University, New Zealand, Summer 1990

Visiting Fellow, Australian National University, Summer 1989

Mont Pelerin Society Fellowship – 1982

Ford Foundation Fellowship–University of Chicago– 1968 –1973

Fulbright Travel Grant– 1968 – 1973

PUBLICATIONS

Books and Monograph

Danzon and Towse, "Theory and Implementation of Differential Pricing for Pharmaceuticals" in "International Public Goods and Transfer of Technology under a Globalised Intellectual Property Regime" edited by Keith E. Maskus and Jerome H. Reichman, eds. 2004 Cambridge Press.

The Life Cycle of Pharmaceuticals: A Cross National Perspective. With Jeong Kim. London: Office of Health Economics. March 2002.

Prices, Competition and Regulation in Pharmaceuticals: A Cross-National Comparison. With LiWei Chao. London: Office of Health Economics. 2000.

Price Comparisons for Pharmaceuticals: A Review of US and Cross-National Studies. Washington DC: AEI. 1999.

Rate Regulation and Cost Growth in Workers' Compensation Insurance. With Scott E. Harrington. Washington DC: The American Enterprise Institute Press. 1998.

Pharmaceutical Price Regulation: National Policies vs. Global Interests. Washington DC: The American Enterprise Institute Press. 1997.

Trade and Price Differentials for Pharmaceuticals: Policy Options. London: Office of Health Economics. 1997.

Global Budgets Versus Competitive Cost-Control Strategies. American Enterprise Institute

Special Studies in Health Reform. 1994.

Responsible National Health Insurance with Mark Pauly, Paul Feldstein and John Hoff. Washington DC: The American Enterprise Institute Press. 1992.

Medical Malpractice: Theory, Evidence and Public Policy. Harvard University Press, 1985

Journal Articles

"Mergers and Aquisitions in the Pharmaceutical and Biotech Industries." With Andrew Epstein and Sean Nicholson. *Managerial and Decision Economics*, 28: 307-328, 2007.

"Prices and Availability of Biopharmaceuticals: an International Comparison." With Michael Furukawa. *Health Affairs*, 25(5): 1353-1362, Sep/Oct 2006.

"Dynamic Competition in Pharmaceuticals: Cross-National Evidence from New Drug Diffusion " With Ernst R. Berndt. Sep 2005.

"Why Sole Supplier Vaccine Markets May be Here to Stay." With Nuno Pereira. *Health Affairs*, 24(3): 694-696, May/June 2005.

"Vaccine Supply: A Cross-National Perspective." With Nuno Pereira and Sapna Tejwani. *Health Affairs*, 24(3): 706-717, May/June 2005.

"Alternative Strategies for Medicare Payment of Outpatient Prescription Drugs - Part B and Beyond." With Gail R. Wilensky and Kathleen E. Means. *American J. of Managed Care*, 11 (3): 173-180, 2005.

"The Impact of Price Regulation on the Launch Delay of New Drugs." With Y. Richard Wang and Liang Wang. *Health Economics*, 14(3), 2005.

"Productivity in Pharmaceutical-Biotechnology R&D: The Role of Experience and Alliances" With Sean Nicholson and Nuno Sousa Pereira. *J. of Health Economics*, 24(2): 317-339, 2005.

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"Prices and Availability of Pharmaceuticals: Evidence From Nine Countries." With Michael F. Furukawa. *Health Affairs Web Exclusive*, October 2003. http://www.healthaffairs.org/WebExclusives/Danzon_Web_Excl_102903.htm. Last accessed October 29, 2003.

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International J. of the Economics of Business. 4(3): 301-321, 1997.

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"Consolidation is a Tonic for Health Care Providers." *National Law Journal*, September 18, 1995.

"Merger Mania: An Analysis," *Health Systems Review*, 27(6), 1994.

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"Comment on Epstein, "Holdouts, Externalities, and the Single Owner: One More Salute to Ronald Coase." *Journal of Law & Economics*, April 1993.

"Hidden Overhead Costs: Is Canada's System Really Less Expensive?" *Health Affairs*, Spring 1992.

"Liability for Medical Malpractice," *Journal of Economic Perspectives*, Summer 1991.

"A Plan for Responsible National Health Insurance." With Mark Pauly, Paul Feldstein and John Hoff. *Health Affairs*, Spring 1991.

"The "Crisis" in Medical Malpractice: Trends in the U.S., Canada, the U.K. and Australia." *Law, Medicine and Health Care* 18:1-2.

"The Effects of Malpractice Litigation on Physicians' Fees and Incomes." With Mark V. Pauly and Raynard S. Kington, *American Economic Review*, May 1990.

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"The Political Economy of Workers' Compensation: Lessons for Product Liability." *American Economic Review*, May 1988.

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"Compensation for Occupational Disease: Evaluating the Options." *Journal of Risk and Insurance*, LIV (2), June, 1987.

"The Frequency and Severity of Medical Malpractice Claims: New Evidence." *Law and Contemporary Problems*, 49 (2), Spring, 1986.

"Liability and Liability Insurance for Medical Malpractice." *Journal of Health Economics* (4) 1985. Reprinted in *Economic of Tort Law*. Edited by Alan O. Sykes. Edward Elgar Press 2007.

"Comment on Landes and Posner, 'A Positive Economic Analysis of Products Liability,'" *Journal of Legal Studies*, December, 1985.

"Separation of the Redistributive and Allocative Functions of Government: A Public Choice Perspective." With Marilyn R. Flowers, *Journal of Public Economics*, 1984. Reprinted in The Foundations of 20th Century Economics: Landmark Papers Selected by Nobel Laureates; James Buchanan Edward Elgar Press.

"Tort Reform and the Role of Government in Private Insurance Markets." *Journal of Legal Studies*, August 1984.

"The Frequency and Severity of Medical Malpractice Claims." *Journal of Law and Economics*, April 1984.

"Factors Affecting Laboratory Test Use and Prices." With Willard G. Manning, Jr. and M. Susan Marquis, *Health Care Financing Review*, 1983.

"Rating Bureaus in U.S. Property-Liability Insurance Markets: Anti or Pro-Competitive?" *Geneva Papers on Risk and Insurance*, October 1983.

"Settlement Out of Court: The Disposition of Medical Malpractice Claims." With Lee A. Lillard, *Journal of Legal Studies*, June 1983.

"An Economic Analysis of the Medical Malpractice System." *Behavioral Sciences and the Law*, 1(1), 1983.

"Hospital 'Profits': The Effects of Reimbursement Policies." *Journal of Health Economics* (1), 1982.

"Contingent Fees for Personal Injury Litigation." *Bell Journal of Economics*, 11(3): 2691-279, Spring 1983.

"Economic Incentives to Order Lab Tests: Theory and Evidence." *Socioeconomic Issues in Health*, June 1980.

"Solvency Regulation in the Property-Liability Insurance Industry: Empirical Evidence." With Dennis Smallwood, *Bell Journal*, Spring 1980.

"Comment on Victor R. Fuchs, 'From Bismarck to Woodcock: The Irrational Pursuit of National Health Insurance.'" *Journal of Law and Economics*, August 1976.

"An Economic Analysis of Eminent Domain." *Journal of Political Economy*, 84(3): 473-498, June 1976.

Chapters in Books

"Product Development Priorities." With Adel Mahmoud, John Barton and Roy Mugerwa. Forthcoming in Disease Control Priorities, Dean Jamison and Joel Bremen, eds. Institute of Medicine.

"Theory and Implementation of Differential Pricing for Pharmaceuticals." With Adrian Towse. In International Public Goods and Transfer of Technology Under a Globalized Intellectual Property Regime. Keith Maskus, Jerome Reichman, et al. Cambridge University Press. Forthcoming 2005.

"The "Crisis" in Medical Malpractice Insurance." With Andrew Epstein and Scott Johnson. In Brookings-Wharton Papers on Financial Services: 2004, Richard Herring and Robert Litan, eds. Brookings Institution Press, 2004.

"Reference Pricing of Pharmaceuticals for Medicare: Evidence from Germany, the Netherlands, and New Zealand." With Jonathan D. Ketcham. In Frontiers in Health Policy Research, Vol. 7, David M. Cutler & Allan M. Garber, eds. National Bureau of Economic Research and MIT Press, 2004.

Comment on "Malpractice Pressure, Managed Care and Physician Behavior." in Regulation through Litigation, ed. W. Kip Viscusi. AEI Brookings Joint Center, July 2002.

"Differential Pricing of Pharmaceutical: Reconciling Access, R&D and Patents." Report for Working Group 2 of the WHO Commission on Macroeconomics and Health. Dec. 2001.

"The Economics of Parallel Trade" in The Economics of Intellectual Property, eds. Ruth Towse and Rudi Holzhauer. Edward Elgar, 2002.

"Reference Pricing: Theory and Empirical Evidence" in The Economics of Reference Pricing and Pharmaceutical Policy. G. López-Casasnovas and Bengt Jonsson (eds.) Colección de Economía de la salud y Gestión Sanitaria Springer Verlag, Barcelona 2001.

"Health Care: Competition and Productivity." With Michael Furukawa. In The Economic Payoff from the Internet Revolution, The Brookings Task Force on the Internet. Brookings Institution Press, 2001.

"Liability for Medical Malpractice." In Handbook of Health Economics Vol. 1, eds. J. Newhouse and A. Culyer. Elsevier, 2000.

"The Pharmaceutical Industry." In The Encyclopedia of Law and Economics, eds. B. Bouckaert and G. de Geest. Cheltenham: Edward Elgar (printed) and electronic at European Internet site, or www.findlaw.com. 2000.

"The Effect of Price Regulation on Productivity in the Pharmaceutical Industry." With Allison Percy. Studies in Income and Productivity. eds. A. Heston and R. Lipsey. NBER-Chicago: U.Chicago Press, 2000.

"The Economics of Liability Insurance." With Scott Harrington. Insurance Economics, Revised Second Edition. Ed. Georges Dionne. Kluwer, 2000.

"The Economic Implications of Genomics." In Genomics and the Pharmaceutical Industry, London: Office of Health Economics, 1999.

"Medical Malpractice." In P. Newman (ed.) The New Palgrave Dictionary of Economics and the Law, London: MacMillan Press, 1998.

"The Perspectives of Buyers and Sellers of Pharmaceuticals: A Comment" In Policy Issues in Pharmaceutical Cost Effectiveness Research J. Calfee (ed.) American Enterprise Institute Press, 1998.

"International Drug Price Comparisons: Uses and Abuses," in Competition Strategies in the Pharmaceutical Industry, ed. Robert B. Helms, The AEI Press, 1996.

"International Price Comparisons," in Quality of Life and Pharmacoeconomics in Clinical Trials, ed. Bert Spilker, Raven Press, 1996.

"Consolidation and Restructuring: The Next Step in Managed Care," in Health Care Management: State of the Art Reviews, 2 (1), August 1995. eds. Harvey Jolt and Martin M. Leibovici, Hanley and Belfus, Inc.

"Global Budgets: Why, What, How?" in Health Policy Reform: Competition & Controls, ed. Robert B. Helms, The AEI Press, 1994.

"The Effects of Shifting Medical Expense from PIP Auto Coverage to First Party Health Insurance," in Insurance, Risk Management, and Public Policy, eds. Sandra G. Gustavson & Scott E. Harrington, Kluwer, 1994.

"The Hidden Costs of Budget-Constrained Health Insurance Systems," in American Health Policy: Critical Issues for Reform, ed. Robert B. Helms, The AEI Press, 1993.

"Capital Flows and Underwriting Cycles in Liability Insurance," with David Cummins, in Workers' Compensation Insurance: Claim Costs, Prices and Regulation, eds. David Durbin & Philip Borba, Kluwer, 1993.

"The Determination of Workers' Compensation Benefit Levels," in Workers' Compensation Insurance: Claim Costs, Prices and Regulation, eds. David Durbin & Philip Borba, Kluwer, 1993.

"Health Care," in The Fortune Encyclopedia of Economics, eds. David Henderson & Rena Henderson, 1993.

"Malpractice Liability: Is the Grass on the Other Side Greener?" in Tort Law and the Public Interest, ed. Peter Shuck, American Assembly/Norton, 1991.

"The Demand for and Supply of Liability Insurance," with Scott Harrington, in Insurance Economics, ed. Georges Dionne, Kluwer, 1991.

"Market Incentives and Medical Malpractice," in Tackling our Toughest Health Care Problems, eds. Ken McLennan and Jack Meyer, Westview Press, 1989.

"Medical Malpractice Liability," in Liability: Perspectives and Policy, eds. Robert E. Litan and Clifford Winston, The Brookings Institution, 1988.

"Medical Malpractice: An Economic Perspective," in Medical and Hospital Malpractice: Law and Litigation, ed. Zaremski and Goldstein, Callaghan & Co., 1988.

"Medical Malpractice: Trends and Reforms," in Medical Malpractice: Proceedings of the Eleventh Private Sector Conference, ed. Duncan Yaggy and Patricia Hodgson, Duke University, 1987.

"Liability and Insurance for Medical Maloccurrences: Are Innovations Different," in Medical Innovation and Bad Outcomes: Legal, Social and Ethical Responses, ed. Mark Siegler,

Health Administration Press, 1987.

"Health Policy in 1984: The Crisis in Costs," in To Promote Prosperity: U.S. Domestic Policy in the Mid-1980s, ed. John Moore, Hoover Press, 1984.

"Reimbursement Policies: Lessons from Medicare," in National Health Policy: What Role for Government?, Hoover Press, 1982.

"Theory of Solvency Regulation in the Property/Casualty Insurance Industry," with Dennis Smallwood, in Studies in Regulation, ed. Gary Fromm, MIT Press, 1981.

"A Dynamic Model of Optimum Bonus Management," in Defense Manpower Policy, ed. Richard V. L. Cooper, The Rand Corporation, 1979.

"Causes of the Medical Malpractice Insurance Crisis: Risk and Regulation," in The Economics of Medical Malpractice, American Enterprise Institute, December, 1978.

Working Papers

"Mergers and Acquisitions in the Pharmaceutical and Biotech Industries," With Andrew Epstein and Sean Nicholson. Under review at RAND. May 2004. NBER Working Paper #10536, June 2004.

"Differential Pricing of Pharmaceuticals: Reconciling Access, R&D and Patents," Report for Working Group 2 of the WHO Commission on Macroeconomics and Health. Dec. 2001.

"New Evidence on International Price Comparisons." With Michael Furukawa. August 2001.

"Reference Pricing and Physician Drug Budgets: The German Experience in Controlling Pharmaceutical Expenditures" with Hong Liu. Revised December 1998.

"Defined Daily Doses for Pharmaceuticals: Risks and Potential," Health Care Systems Department, The Wharton School. January 1996.

"Can Cost Control and Innovation Co-Exist?" OECD. September 1995.

"The Effects of Price Regulation in the Pharmaceutical Industry." April 1995.

"The Effects of Health Care Reform on Incentives for Innovation," with Li Wei Chao and Allison Percy. February 1995.

"Radical Alternatives for Medical Malpractice: Lessons from Sweden and New Zealand." March 1993

"The New Zealand Accident Compensation Scheme: Lessons for the U.S.," Revised, March 1993.

"Administrative Costs, Price Regulation and Efficiency: A New Look at Old Issues." December 1992.

"Gap and Supplementary Insurance in New Zealand: Theory, Evidence and Policy Options." February 1992.

"Medical Malpractice: Incidence and Incentive Effects," March 1990.

"Mandated Employment-Based Health Insurance: Incidence and Efficiency Effects,"
Revised, November 1989.

Other Published Reports

"Note on the Office of Fair Trading Report, 2007

"The Effects of Regulation on the Pharmaceutical Industry." Report to the Chaire
D'Economie et Gestion de la Sante, Institut d'Etudes Politiques de Paris. October 1994.

"Pharmaceutical Price Regulation in New Zealand." Report to the New Zealand Department
of Health. 1991

"Options for Health Care in New Zealand," 1990. Report to the New Zealand Business
Roundtable. CS-First Boston New Zealand Inc.

"Covering the Uninsured: How Much Would It Cost?" 1987. With Frank Sloan. LDI Policy
Decision Paper No. 9, December 1986.

"State Health Insurance Pools: An Evaluation." Report to the Program on Access to Care,
North Carolina, August 1987.

"Expanding Employment-Based Health Insurance." Report to the Program on Access to
Care, North Carolina, August 1987.

"An Evaluation of Solvency Regulation in the Property-Liability Insurance Industry," with
Scott E. Harrington. Report to the Alliance of American Insurers, July 1986.

"Alternative Financing of Health Care in Jamaica" Report to the World Bank, October 1985.

"Health Care for the Uninsured Poor," with C. Johnston Conover. Center for Health Policy
Research and Education, Duke University, August 1985.

"The Resolution of Medical Malpractice Claims: Modelling the Bargaining Process," with
Lee A. Lillard, The Rand Corporation, R-2792-ICJ, 1982.

"The Resolution of Medical Malpractice Claims: Research Results and Policy Implications,"
with Lee A. Lillard, The Rand Corporation, R-2793-ICJ, 1982.

"Economic Factors in the Use of Laboratory Tests of Office-Based Physicians," The Rand
Corporation, R-2525/1-HCFA, 1982.

"Civilian Earnings of Military Retirees," The Rand Corporation, R-2355-MRAL, 1981.

"The Disposition of Medical Malpractice Claims," The Rand Corporation, R-2622-HCFA,
1980.

"Why are Malpractice Premiums So High or So Low?" The Rand Corporation,
R-2623-HCFA, 1980.

"Comments on NAIC Program to Monitor Competition in the Property-Liability Insurance
Industry," NAIC Proceedings, Vol. , No. 1, 1979.

"Costs and Benefits of the Tort System if Viewed as a Compensation System," The Rand Corporation, P-5921, June 1977.

"Professional Liability Insurance: The Case for Regulation," with Dennis Smallwood, The Rand Corporation, WN-9936-CCCTR, May 1977.

"Professional Liability," with Dennis Smallwood, California Citizens' Commission On Tort Reform, 1976.

"Projections of Military Retirement Costs: 1975-1993," The Rand Corporation, WN-9064-ARPA, June 1975.

SELECTED TESTIMONY AND INVITED SPEECHES

Princeton Center for Economic and Policy Studies Symposium on *Health Care: Policy and Prospects*. November 2006.

NIH Conference on Assessing the Health Effects of Bioactive Food Components.
"Estimating the Economic Contribution of Dietary Components in Managing Health Costs."
March 2005.

NBER Regulation Project. "Regulation of the Pharmaceutical Industry." Stanford. February 2005.

National Association of Social Insurance. Medicare Modernization Conference. "Drug Reimportation." Washington, D.C. January 2005.

American Economic Association Meetings. "Dynamic Competition in the Pharmaceutical Industry." With Ernie Berndt. January 2005.

The Economist Conference on the Pharmaceutical Industry. "Drug Importation: Economic Effects." November 2004.

Biotech Industry Organization (BIO) Annual Meeting. "Effects of Drug Importation." San Francisco. June 2004.

Deutsche Bank Annual Health Care Conference. "Drug Pricing and Reimportation." Washington, D.C. January 2005.

National Association of Attorneys General, Pharmaceutical Pricing Meeting. "The Economics of the Pharmaceutical Industry." Columbus, Ohio. August 2002.

Syracuse University, Maxwell School of Citizenship and Public Affairs, Center for Policy Research, The 13th Annual Herbert Lourie Memorial Lecture on Health Policy, "Pharmaceuticals: Access, Cost, Pricing, and Directions for the Future." With Stephen Soumerai. Reprinted as monograph. Syracuse University Policy Brief, 2002; 23.

Royal Institute for Economics Affairs, London, Conference on Squaring the Circle: Shareholder Value and Corporate Social Responsibility. "Differential Pricing for Pharmaceuticals: Reconciling Access, R&D and IP." March 2002.

UK Treasury, London. "Competition in the Pharmaceutical Industry" and "New Evidence on International Price Comparisons." December, 2001

Economist Conference on the Pharmaceutical Industry. "Pharmaceutical Pricing". December 2001. Princeton, NJ.

US Senate Committee on Health, Labor, Education and Pensions. "Pharmaceutical Price Differences and Trade" June 13, 2000

Congressional Budget Office, "E-Health: Potential and Productivity Effects" June 2000.

National Health Policy Forum, "Pharmaceutical Prices: An International Perspective" May 31, 2000.

UK Treasury, London. "Pharmaceutical Price Differentials, Regulation and Trade." May 12, 2000.

National Health Policy Forum. "A Competitive Medicare Drug Benefit." March 2000.

Lehman Brothers. "Making Sense of Pharmaceutical Prices." January 2000.

Managed Health Care Association. "Managing the Pharmacy Benefit." January 2000.

Brookings Institution. Washington DC. December 1999.

International Federation of Pharmaceutical Manufacturers. "Defined Daily Doses for Pharmaceuticals." November 1999.

American Enterprise Institute. Washington DC. June 1999. "Reference Pricing."

American Enterprise Institute. Washington DC. May 1999. "A Review of Price Comparisons for Pharmaceuticals."

Central and Eastern European Forum, PHRMA-US Department of Trade, Washington DC. April 1999. "Regulation vs. Competition for Pharmaceuticals."

IBC Pharmaceutical Law Forum. Brussels. March 1999. "Reference Pricing."

International Pharmaceutical Manufacturers Association. Boca Roton. March 1999. "Reference Pricing."

OHE Conference on Genomics. London. February 1999. "Economic Implications of Genomics."

Conference on Reference Pricing. Barcelona. December 1998. "Reference Pricing: Theory and Evidence."

SMI Conference on Health Economics. London. December 1998. "Health Economics."

Handbook of Health Economics Conference. U. Chicago. July 1998. Medical Malpractice

World Bank, Symposium on Pharmaceutical Pricing. "Pricing and Regulation of Pharmaceuticals: The International Experience." Washington DC April 1998.

IBC Pharmaceutical Law Forum. "The Single Market for Pharmaceuticals: Where Next?" Brussels. March 1998.

Office of Health Economics. "Medical Negligence." London, March 1998.

Irish Pharmaceutical Manufacturers' Association. "Parallel Trade in Pharmaceuticals." Dublin, Nov. 1997

The Fraser Institute. "The Effects of Regulation on Pharmaceutical R&D". Toronto and Vancouver, November, 1997.

American Conference Institute: Liability Frontiers in a Changing Health Care Environment. "Tort Liability: A Minefield for Managed Care" New York. January 1997.

European Commission, Roundtable on the Pharmaceutical Industry. "Trade and Price Differentials for Pharmaceuticals." Frankfurt. December 1996

Japan Pharmaceutical Manufacturers Association, Tokyo. May 1996. "The Problems and

Challenges of International Price Comparisons.”

OECD, Business and Industry Advisory Committee. May 1995. “Health Care Reform, Industrial Policy and Innovation.”

World Economic Forum, January 1995. Health Care Industry Group. “Managed Care.”

National Health Policy Forum, Sydney, Australia. March 1993. “Overhead Costs of Public and Private Insurance.”

Jackson Hole Group on Health Care Reform. January 1993. “Options for Tort Reform within Health Care Reform.”

American Enterprise Institute, Conference on Competitive Strategies in the Pharmaceutical Industry. October 1993. “International Drug Price Comparisons: Uses and Abuses.”

American Bar Association, Annual Meeting. August 1994. Sections on Taxation, Anti-Trust Law, and Torts and Insurance. “Consolidation and Restructuring in the Health Care Industry: A Precursor to Health Care Reform.”

American Bar Association, May 1992. “Collateral Source Offset and Tort Reform.”

American Enterprise Institute, Conference on Critical Issues in Health Policy. October 1991. “Hidden Costs of Budget-Constrained Health Care Systems.”

American Assembly on Tort Liability, May, 1990. “Malpractice Liability: Is the Grass on the Other Side Greener?” The American Assembly and the American Bar Association, Arden House.

Testimony to the U.S. Senate Committee on the Judiciary, “The Effect of Tort Reforms on the Frequency and Severity of Medical Malpractice Claims,” March 26, 1986.

National Academy of Sciences, Institute of Medicine Task Force on Medical Malpractice, March 1986. Topic: “Tort Reform.”

Maryland Joint Executive/Legislative Task Force on Medical Malpractice Insurance, October 1985. Topic: “The Effects of Tort Reform Measures on the Medical Malpractice Insurance Problem.”

Testimony to the Florida House of Representatives, Committee on Health Care and Insurance, February 1985.

Testimony to the U.S. Senate Committee on Labor and Human Resources, Hearings on Medical Malpractice and Defensive Medicine, July 10, 1984.

SELECTED ACADEMIC CONFERENCE PRESENTATIONS

iHEA Conference 2005, “Launch and Pricing Strategies of Pharmaceuticals in Interdependent Markets.” With Andrew Epstein. Barcelona, Portugal. July 2005.

Bio Conference 2005, “Drug Pricing in A Diverse World.” Philadelphia, PA. June 2005.

Lehigh University. “Effects of Regulation on Drug Launch.” April 2005.

Royal Institute for Economics Affairs, London. “Squaring the Circle: Shareholder Value and

Corporate Social Responsibility." March 2002.

Bocconi University, Italy. "Pharmaceutical Policy: National vs. Regional?" November, 2001.

International Health Economics Association, "New Evidence on International Price Comparisons" (with Michael Furukawa); "A Hedonic Approach to International Price Comparisons (with LiWei Chao). July 2001.

U. Chicago Conference on Medical Innovation. "Health Insurance And The Growth of Pharmaceutical Expenditures." April 2001. With Mark V. Pauly.

University of Alabama. "Pharmaceutical Prices." March 2000.

U. Penn. Institute for Law and Economics. "Managed Care Liability for Medical Malpractice." April 1998.

Tufts University, European Conference on Health Care. "International Price Comparisons for Pharmaceuticals: Measurement and Policy Issues" July, 1997

American Economic Association. "Reference Pricing and Physician Drug Budgets: The German Experience in Controlling Pharmaceutical Expenditures" New Orleans. January 1997.

International Health Economics Association. May 1996. "Controlling Pharmaceutical Costs: Lessons from Germany" and "Trends in Pharmaceutical Prices: Cross-national Comparisons."

University of Chicago Law School, Conference on Tort Reform. May 1996. "Tort Liability: A Minefield for Managed Care?"

National Bureau of Economic Research. Conference on Income and Wealth. March 1996. "The Effects of Price Regulation on Productivity in the Pharmaceutical Industry."

University of Memphis, April 1995. Hirff Lecture. "Consolidation and Restructuring in the Health Care Industry."

University of Kansas, April 1995. Erhart Lecture. "Consolidation and Restructuring in the Health Care Industry."

Institut d'Etudes Politiques de Paris. November 1994. "Effects of Price Regulation in the Pharmaceutical Industry."

Conference on Health Care Reform Strategies in Central Europe. November 1993. "The Role of Pharmaceuticals in Health Care Reform."

Arne Ryde Symposium on Law and Economics. August 1993. "The Swedish Patient Compensation System: Myths and Realities."

American Enterprise Institute. April 1993. Conference on Health Care Expenditure Controls. "Global Spending Limits: Why, What, How?"

Harvard University, Kennedy School. February 1993. Conference on Pharmaceutical Industry Research, Innovation and Public Policy. "Drug Price Reimbursement Policies in the U.S. and Abroad."

American Risk and Insurance Association. August 1992. "Options for National Health

Insurance.”

Association for Health Services Research. June 1992. “Hidden Overhead Costs: Is Canada's System Really Less Costly?”

Geneva Association, 18th Seminar of the European Group of Risk and Insurance Economists, September 1991. “Price Shocks and Capital Flows in Liability Insurance Markets.” With D. Cummins.

American Law and Economics Association, May 1991. “Price Cutting in Property-Liability Insurance.” with Scott E. Harrington.

American Economic Association, December 1989. “The Effects of Malpractice Litigation on Physicians' Fees and Incomes.”

American Academy of Arts and Sciences, October 1989. “Medical Care in the U.S.: Problems and Solutions.”

American Society of Law and Medicine, International Conference on Health Law and Ethics, July 1989. “The “Crisis” in Medical Malpractice: Trends in the U.S., Canada, the U.K. and Australia.”

National Bureau of Economic Research, Cambridge, Mass., April 1989. Conference on Social Insurance. “Mandated Employment-Based Health Insurance: Incidence and Efficiency Effects.”

Geneva Association, Conference on Professional Liability, March 1988. “An Evaluation of Alternatives for Medical Liability.”

American Economic Association, December 1987. “Insurance Aspects of Product Liability.”

National Council on Compensation Insurance, Seventh Annual Workers' Compensation Research Seminar, November 1987. “The Political Economy of Workers' Compensation.”

American Risk and Insurance Association, August 1987. “The Incidence of the Costs of Employment-Based Health Insurance.”

The Brookings Institution, Conference on The Crisis in Liability Law, June 1987. Topic: “Medical Malpractice: An Overview of the Issues.”

Yale Law School, 1987. “The Insurance Crisis, Tort Reform and Insurance Regulation.”

Association of American Law Schools, 1987. “The Tort Crisis and Tort Reform.”

The World Bank, Conference on Risk-Sharing for Health Provision in Developing Countries, 1985. “A Jamaican Case Study.”

American Academy of Actuaries/Casualty Actuarial Society, 1983 Casualty Loss Reserve Seminar. “Reserving for Medical Malpractice Claims: Lessons from Litigation Models and Time Series Analysis.” 1983. Proceedings published.

Ninth Conference of the European Group of Risk and Insurance Economists, 1982. “Rating Bureaus in U.S. Property-Liability Insurance Markets: Anti or Pro Competitive?”

Hoover Institution, Conference on National Health Insurance. 1982. “Reimbursement

Policies: Lessons from Medicare."

NBER Conference on Public Regulation, December 1977. With Dennis Smallwood:
"Solvency Regulation in the Property/Casualty Insurance Industry."

American Economic Association, September 1976. "Causes of the Medical Malpractice
Insurance Crisis."

Conference on Defense Manpower, February 1976. "A Dynamic Model of Optimum Bonus
Management."

Conference in Celebration of George Stigler's 65th birthday, Chicago, January, 1976.
Discussant of paper by Victor R. Fuchs, "The Irrational Pursuit of National Health
Insurance."

RESEARCH GRANTS RECEIVED (PI or Co-PI)

Year	Source	Purpose
2004-2006	Merck & Co., Inc., and Pfizer, Inc. (NBER)	Research: <i>International Price comparisons for Pharmaceuticals</i>
2003-2005	Ad Hoc Committee of the Pharmaceutical Industry (NBER)	Research: <i>Dynamic Competition in the Pharmaceutical Industry</i>
2002-2007	National Research Services Award (NRSA) AHCPR	Advanced Training in Health Services Research, Institutional Training Program (Support for PhD Students).
2002-2005	Yamanouchi USA Foundation	Research and education on the Pharmaceutical-Biotechnology industry.
2002-2005	Merck Co. Foundation	Program on Pharmaceutical Policy, Economics and Management, supporting PhD students and faculty working on research related to pharmaceuticals.
2003-2008	National Research Services Award (NRSA) AHCPR.	Advanced Training in Health Services Research, Institutional Training Program (Support for PhD Students).
1990-2003	National Research Services Award (NRSA) AHCPR.	Advanced Training in Health Services Research, Institutional Training Program (Support for PhD Students).
1999-2005	Merck Co. Foundation	Program on Pharmaceutical Policy, Economics and Management
2002-2003	Leonard Davis Institute of Health Economics	Models of Procurement of Drugs and Vaccines
2000-2001	Huntsman Emerging Technologies Program	Determinants of R&D Success in Biotech and Pharmaceuticals
2000-2002	Merck & Co. Inc.	Determinants of R&D Success in Biotech and Pharmaceuticals
2000-	Huntsman Emerging	Efficiency in the Market for Biotech-

2001	Technologies Program	Pharmaceutical Deals
1999-2001	Merck & Co. Inc.	International Price Comparison for Pharmaceuticals
1994-1996	Pfizer, Inc.	Competition & Regulation for Pharmaceuticals
1992-1994	Pfizer, Inc.	International Pharmaceutical Price Comparisons
1991-1992	Robert Wood Johnson Foundation	No-Fault Insurance Systems for Medical Malpractice
1991	University Research Council	Pricing of Pharmaceuticals
1989-1990	National Association of Insurance Commissioners	Price Reductions and Underwriting Cycles in the Property Liability Insurance Industry
1989-1990	National Association of Insurance Commissioners	Capital Flows and Underwriting Cycles
1988-1990	Hartford Foundation	Development of a Community Hospital Quality Index
1986-1990	Robert Wood Johnson Foundation	Alternative Liability Regimes for Medical Malpractice
1987-1988	UPS Grant Program	Demand for Health Insurance
1983-1986	Program on Access to Care	Evaluation of Options for The Uninsured
1975	California Commission on Tort Reform	Professional Liability
1975-1978	Health Care Financing Administration	Analysis of the Malpractice Crisis
1974-1976	Health Care Financing Administration	Reimbursement of Physicians and Hospitals for Lab Tests

Exhibit 5

JOSEPH P. NEWHOUSE

Dr. Newhouse is the John D. MacArthur Professor of Health Policy and Management at Harvard University, Director of the Division of Health Policy Research and Education, chair of the Committee on Higher Degrees in Health Policy, and Director of the Interfaculty Initiative in Health Policy. He is a member of the faculties of the John F. Kennedy School of Government, the Harvard Medical School, the Harvard School of Public Health, and the Faculty of Arts and Sciences, as well as a Faculty Research Associate of the National Bureau of Economic Research. He received B.A. and Ph.D. degrees in Economics from Harvard University. Following his Bachelors degree, he was a Fulbright Scholar in Germany. Dr. Newhouse spent the first twenty years of his career at RAND, where he designed and directed the RAND Health Insurance Experiment, which studied the consequences of different ways of financing medical services. From 1981 to 1985 he was Head of the RAND Economics Department.

In 1981 he became the founding editor of the *Journal of Health Economics*, which he continues to edit. He is a current member of the editorial board of the *New England Journal of Medicine* and a past member of the editorial board of the *Journal of Economic Perspectives*. He has been elected to the Institute of Medicine of the National Academy of Sciences, and has served two terms on its governing Council. He has also been elected a Fellow of the American Academy of Arts and Sciences and of the American Association for the Advancement of Science. He is a past President of the Association for Health Services Research and of the International Health Economics Association and is the inaugural President of the American Society of Health Economists. He has served as the vice-chair of the Medicare Payment Advisory Commission, which reviews Medicare payment policy and makes recommendations to the Congress. This Commission resulted from the 1997 merger of two predecessor commissions, the Prospective Payment Assessment Commission and the Physician Payment Review Commission. Newhouse chaired the former Commission and served as a Commissioner on the latter. He has also served as a regent of the National Library of Medicine. Between 1990 and 2000 he was the 133rd most cited economist in the world, and his biography appears in *Who's Who in Economics*. He is a member of the Board of Directors of Aetna, Abt Associates, and the National Committee for Quality Assurance.

He was the first recipient of the David N. Kershaw Award and Prize of the Association for Public Policy and Management in 1983, which honors persons under 40 who have made a distinguished contribution to the field of public policy analysis and management. In 1988 he received the Baxter Health Services Research Prize for an unusually significant contribution to the improved medical care of the public through innovative health services research, as well as the Administrator's Citation from the Health Care Financing Administration. He and his co-authors received the Article-of-the-Year Award for 1989 from the Association for Health Services Research for *The Taxes of Sin* and in 1992 he received the Association's Distinguished Investigator Award. In 1995 he received the Hans Sigrist Foundation Prize for distinguished scientific achievement, as well as the American Risk and Insurance Association's Elizur Wright Award for a contribution to the risk management and insurance literature for *Free for All?*. In 1997 he was invited to give the Walras-Pareto Lectures in Lausanne. In 2000 he and his co-authors received the first Zvi Griliches award for *Are Medical Prices Declining?* and he gave the Chung Hua Lectures in Taipei. In 2001 he and his co-authors won the Kenneth J. Arrow Award for *How Does Managed Care Do It?*; in 2003 he won the Paul A. Samuelson Certificate of Excellence from TIAA-CREF for *Pricing the Priceless*.

CURRICULUM VITAE: JOSEPH PAUL NEWHOUSE

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Cambridge, MA 02138-5806
Phone: (617) 496-9307
Fax: (617) 496-6886

Born: Waterloo, Iowa - February 24, 1942
Citizenship: USA

Education

B.A., Harvard College, 1963 (Economics, magna cum laude with highest honors in Economics)

Fulbright Scholar, G`ethe University, Frankfurt am Main, Federal Republic of Germany, 1963-1964 (Economics)

Ph.D., Harvard University, 1969 (Economics)

Employment

Staff Economist, The RAND Corporation, 1968-1972

Senior Staff Economist, The RAND Corporation, 1972-1981

Head of the Economics Department, The RAND Corporation, 1981-1985

Senior Corporate Fellow, The RAND Corporation, 1985-1988

Deputy Program Manager for Health Sciences Research, The RAND Corporation, 1971-1988

John D. MacArthur Professor of Health Policy and Management, Harvard University, 1988-present
(Faculty of Arts and Sciences; Harvard Medical School; Harvard School of Public Health;
Kennedy School of Government)

Director, Division of Health Policy Research and Education, Harvard University, 1988-present

Director, Interfaculty Initiative on Health Policy, Harvard University, 1992-present

Other Appointments

Lecturer, UCLA Department of Economics, 1970-1972

Faculty Member, RAND Graduate School, 1972-1988

Lecturer, UCLA School of Public Health, 1976-1983

Adjunct Professor, UCLA School of Medicine, Department of Medicine, 1983-1988

Adjunct Professor, UCLA School of Public Health, 1984-1988

Chair, Committee on Higher Degrees in Health Policy, Harvard University, 1991-present

National Bureau of Economic Research, Faculty Research Associate, 1998-present

Center for Basic Research in the Social Sciences, Harvard University, Faculty Research Associate, 2003-present

Honors and Awards

Alfred P. Sloan National Scholar (Harvard College)

Phi Beta Kappa

Fulbright Scholar, 1963-1964

Woodrow Wilson Honorary Scholar, 1964-1968

National Science Foundation Graduate Fellowship, 1964-1966

Institute of Medicine, National Academy of Sciences, elected 1977

Keynote speaker, First World Congress on Health Economics, Leiden, 1980

The David N. Kershaw Award and Prize of the Association of Public Policy and Management, 1983, for a distinguished contribution to the field of public policy and management made while under 40 (first recipient)

Who's Who in Economics, 1st edition (the 640 most cited living economists from 1970-1980); 2nd edition (the 1,280 most cited living economists from 1972-1982); 3rd edition (the 1,000 most cited living economists from 1982-1992); 4th edition (the 1,000 most cited living economists from 1990-2000).

Who's Who in America

Sierra Foundation Distinguished Lecturer, University of Southern California, 1986 (first lecturer)

The Baxter Health Services Research Prize, 1988, for an unusually significant contribution to the improved medical care of the public through innovative health services research

The Health Care Financing Administrator's Citation, 1988, the Agency's highest award to an individual who has made a significant contribution to its operations

Association for Health Services Research Article-of-the-Year Award, 1989 (for "The Taxes of Sin: Do Smokers and Drinkers Pay their Way?" shared with four co-authors)

Keynote speaker, Second World Congress on Health Economics, Zurich, 1990

Keynote speaker, First National Health Summit, Sydney, Australia, 1991

Elected to the governing Council of the Institute of Medicine, 1991-1994 and 1994-1997
(Executive Committee, 1993-1997; National Academy of Sciences Finance Committee, 1993-1997)

Distinguished Investigator Award, Association for Health Services Research, 1992

President, Association of Health Services Research, 1993-1994 (Board of Directors, 1991-1999)

Carl Taube Memorial Lecturer, National Institute of Mental Health, 1994

Distinguished Fellow of the Association of Health Services Research (initial group of fellows, 1995)

Academic Geriatric Research Center Distinguished Professor for 1994-1995, University of California, Los Angeles, January 1995

Fellow of the American Academy of Arts and Sciences, elected 1995

Hans Sigrist Foundation Prize, for distinguished scientific achievement, Bern, Switzerland, 1995

Elizur Wright Award from the American Insurance and Risk Association for *Free for All? Lessons from the RAND Health Insurance Experiment*, 1995

Association for Health Services Research, Article-of-the-Year, Honorable Mention, 1995 (for "Does More Intensive Treatment of Acute Myocardial Infarction Reduce Mortality?" shared with two co-authors)

American Economics Association, Representative to the American Association for the Advancement of Science, 1995-2000

Alex G. McKenna Lecturer, Center for Economic and Policy Education, St. Vincent's College,

November 1995

President, International Health Economics Association, 1996-1998

George Zuidema Lecturer, University of Michigan, March 1996

Cornelson Distinguished Lecturer in Economics, Davidson College, March 1996

Elected Member-at-large, Section Committee on the Social, Economic, and Political Sciences,
American Association for the Advancement of Science, 1997-2001

Keynote speaker, 25th anniversary meeting of the Health Economics Study Group; York, England,
1997

Distinguished speaker, 10th anniversary meeting of the Portuguese Health Economics Association,
Evora, Portugal, October, 1997

Walras-Pareto Lecturer, University of Lausanne, November, 1997

Distinguished speaker, 25th anniversary meeting of the Spanish Health Economics Association
(Asociacion de Economia de la Salud), Vitoria, Spain, May, 1998

Massachusetts Health Data Consortium's Investing in Information Award, for the Massachusetts
Health Quality Partnership's Statewide Patient Survey Project, 1999. Also the Quigley
Innovation award for the same project, 1999

Society of General Internal Medicine, runner-up award for article of the year, 1999 (for "Costs of
Medical Injuries in Utah and Colorado in 1992," shared with six co-authors)

Zvi Griliches Award, for the best empirical article in the Quarterly Journal of Economics in the
past four years (for "Are Medical Prices Declining?"), 2000 (shared with three co-authors).

Commencement Speaker, University of Lausanne Health Policy Program, May 2000.

Chung Hua Lecturer, Academia Sinica, Republic of China, December 2000.

Distinguished Speaker, 39th Economics Winter Institute, St. Cloud State University, February,
2001.

Kenneth J. Arrow Award for the best article in health economics published in 2000 (for "How
Does Managed Care Do It?"), 2001 (shared with two co-authors).

Albert P. Williams Memorial Lecture, RAND, October, 2001 (first lecturer).

Fellow, American Association for the Advancement of Science, 2002.

Invited plenary lecture, "Reimbursing for Health Care Services," Journées d'Économie Publique in

honor of Louis Andre Gerard Varet, Marseilles, 2003.

Ranked 133rd among 54,000 living economists, 2003; see
(<http://student.ulb.ac.be/~tcoupe/update/top1000c.pdf>).

Paul A. Samuleson Certificate of Excellence from TIAA-CREF, 2003 (for *Pricing the Priceless*)
(<http://www.tiaa-crefinstitute.org/Awards/2003cert.htm>).

Inaugural President, American Society of Health Economists, 2004-2006.

Other Professional Activities

National Center for Health Statistics and National Center for Health Services Research, Technical Consultant Panel, Medical Care Expenditure Survey, 1974-1979

U.S. Congress, Committee on Ways and Means, Subcommittee on Health, Advisory Committee on National Health Insurance, 1975

National Commission on the Cost of Medical Care, 1976-1977; Chairman of Task Force on the Medical Marketplace

Research Committee, UCLA Clinical Scholar Program, 1976-1988

Josiah Macy Foundation Study Group on Graduate Medical Education, 1978-1980

Health Services Developmental Grants Review Committee, member, National Center for Health Services Research, 1978-1982

Editorial Board, *Evaluation Review*, 1979-1982

Editor, *Journal of Health Economics*, 1981-present (founding Editor)

Publisher's Committee, RAND Journal of Economics, 1984-1989

Board on Health Care Services, Institute of Medicine, National Academy of Sciences, 1981-1996

Executive Committee, RAND/UCLA Center for Health Policy Study, 1982-1988, and Chairman, Ph.D. Selection Committee, 1982-1988

Technical Advisory Panel, Office of Research and Demonstrations, Health Care Financing Administration, 1984-1988

Robert Wood Johnson Foundation, Faculty Fellowships in Health Care Finance, National Advisory Committee, 1984-1988

Board of Editors, *HealthSpan: The Report of Health Business and Law*, 1984-1992

Editorial Advisory Board, *Contemporary Policy Issues*, 1984-present

Panel Study of Income Dynamics, Institute for Survey Research, University of Michigan, Board of Overseers, 1984-1990

Harvard University Institute for Smoking Behavior Advisory Board, 1984-1990

Vanderbilt Institute for Public Policy Studies, National Advisory Committee, 1986-present

Membership Committee, Institute of Medicine, National Academy of Sciences, 1986-1989;
Chairman, Social Sciences Section, 1987-1989

Henry J. Kaiser Family Foundation Health Care Promotion Program, National Advisory Board, and
Chairman, Evaluation Advisory Committee, 1986-1990

Chairman, Technical Advisory Panel to the Health Care Financing Administration on Revising the
Adjusted Average Per Capita Cost Formula, 1987

Chairman, Technical Review Committee for the Resource Based Relative Value Scale, Health Care
Financing Administration, 1988

Advisory Committee to the Association of American Medical College's Project: Better Policy
Analysis Capability for Teaching Hospitals, 1987-1991

Quinquennial Review Committee, University of Pennsylvania, Health Care Systems Department,
1988

Technical Advisory Panel, Health Care Financing Administration, Research on HMOs, 1989

Workers Compensation Research Institute, Medical Cost Research Advisory Committee, 1989-
present

Chairman, Health Services Research Grants Review Committee, Agency for Health Care Policy
and Research, 1989-1993

Committee on National Statistics and Institute of Medicine, Expert Panel to Review the National
Health Care Survey, 1990-1991

National Academy of Social Insurance (Founding member in health), 1991-present

Association for Health Services Research, Board of Directors, 1991-1999; President, 1993-1994

Journal of Economic Perspectives, Associate Editor, 1992-1998

RAND Summer Institute on Health Care Financing Reform, July 1992

Congressional Budget Office, Expert Advisory Committee on Managed Care, 1993

Physician Payment Review Commission, Commissioner, 1993-1996

Office of Technology Assessment, Advisory Committee for Assessing the Assumptions behind Health Reform Projections, chair, 1993-1994

National Advisory Committee, The Robert Wood Johnson Investigator Awards in Health Policy Research (selection committee), 1993-1995

Foundation for Health Services Research, President, 1994-1995

National Multiple Sclerosis Society, Research Programs Advisory Committee, 1994-1997

American Economics Association, Program Committee, Annual Meeting, 1994

Selection Committee for the Kenneth J. Arrow Award (best paper in health economics), International Health Economics Association, 1994-2005

Scientific Advisory Board, *Zeitschrift für Gesundheitswissenschaften*, 1994-present

Selection Committee, National Institute of Health Care Management, Health Care Research Award, 1994-present

Technical Advisory Committee, UPBEAT program, Veterans Administration, 1995-present

Massachusetts Health Quality Partners, chair, Board of Directors, 1995-2000, President 2000-present (known as Massachusetts Health Quality Partnership prior to incorporation in 2000).

National Academy of Social Insurance, Project on Restructuring Medicare for the Long Term, member of steering committee; Study Panel on Medicare Capitation and Choice, chair, 1996-1998.

Council on Health Economics and Policy (formerly the Council on the Impact of Health Care Reform), member, 1996-present

Prospective Payment Assessment Commission (ProPAC), chair, 1996-1997

Editorial Board Member, Kluwer Series on the Management of Medical Technology, 1996-present

Selection Committee for Fellows and Distinguished Fellows, Association for Health Services Research, chair, 1996-2002

Robert Wood Johnson Foundation National Advisory Committee for the Health Tracking Study, chair, 1996-present

Board of Counselors to the Baxter Health Services Research Prize (selection committee), 1996-present

Employment Benefits Research Institute, Fellow, 1997-present

Advisory Committee for the second international conference of the International Health Economics Association, Rotterdam, 1997-1999

National Research Council, Report Review Committee, 1997-present

Medicare Payment Advisory Commission, 1997-2004, vice-Chair, 1997-2001 (acting chair, September-November 2000)

RAND Graduate School, Board of Governors, 1998-present

Regent, National Library of Medicine, 1999-2003

Board of Editors, *American Journal of Law & Medicine*, 2000-2003

Editorial Board, *Zeitschrift für die Gesamte Versicherungswissenschaft*, 2000-present

Abt Associates, Board of Directors, 2001-present (member, Compensation Committee, Benefits Committee, Human Capital Committee)

Aetna, Board of Directors, 2001-present (member, Audit Committee, Medical Affairs Committee, Aetna Foundation board)

Institute of Medicine, Committee Chair for *Shortening the Time Line for New Cancer Treatments*, 2002-2004

Adjunct Associate, Center for Primary Care and Outcomes Research, Stanford University, 2002-present

Institute of Medicine, Committee for *Fostering Rapid Advances in Health Care: Learning from System Demonstration Projects*, 2002

Selection Committee, John Eisenberg Lecturer, 2003-2004.

National Committee for Quality Assurance, Board of Directors, 2003-present (member, Finance and Audit Committee)

Exavera Technologies, Technical Advisory Committee, 2004-present

Government Accountability Office, Chair of Technical Advisory Committee on Implementation of a Study of Medicare Reimbursement for Outpatient Department Drugs, 2004-present

Principal Investigator on the Following Grants and Contracts:

Office of Economic Opportunity and Office of the Assistant Secretary for Planning and Evaluation, DHHS, 1971-1988, Grant Numbers 90088-P7201 and 016B-80, "The Health Insurance Study," Dollar amount: \$82,000,000

National Center for Health Services Research and Development, 1972-1974, Grant Number 1 RO1 HI00840-01, "Demand for Medical Care Services," Dollar amount: \$218,000

Health Care Financing Administration, 1978-1980, Grant No. 18-P-97122/9, "Consumer Understanding of the Medical Care Delivery System," Dollar amount: \$325,000

Health Care Financing Administration, 1979-1982, "Analysis of the Clinical Laboratory Industry," (Co-Principal Investigator); dollar amount of contract: \$193,000

Health Care Financing Administration, 1984-1994, Cooperative Agreement 99-C-98489, "Center for the Study of Health Care Financing Policy," (Director, 1984-1988; Co-Director 1988-1994), amount awarded: \$10,600,000

New York State 1988-1989, Robert Wood Johnson Foundation 1990-1991, "Harvard Medical Practice Study," (Co-Principal Investigator); amount of contract: \$4,000,000

Agency for Health Care Policy and Research, 1990-1991, "Costs in United States and Canadian Hospitals," (Principal Investigator) Grant Number RO1 HS6442, \$325,000

Agency for Health Care Policy and Research, 1989-1994, "Patient Outcome Research Team: The Consequences of Variation in the Treatment of Acute Myocardial Infarction," (Co-Principal Investigator); \$5,000,000, Grant No. RO1 HS 6341

Robert Wood Johnson Foundation, 1992-1994, "Evaluating the Medicaid Eligibility Expansion for Pregnant Women," (co-Principal Investigator); \$500,000

Robert Wood Johnson Foundation, 1993-1994, "The Effect of Fee Increases on Use of the Emergency Room by Medicaid Beneficiaries," (Principal Investigator); \$220,000

Agency for Health Care Policy and Research, 1993-1998, "Patient Outcome Research Team: Validation of Guidelines for the Treatment of Acute Myocardial Infarction," (Co-Principal Investigator); \$5,000,000

National Institute of Mental Health, 1993-2002, Training Grant; Grant No. 1 T32 MH19733, \$1,478,000

Agency for Health Care Research and Quality, 1994-2008, Training Grant; Grant No. 5 T32 HS00055, \$3,654,388

Alfred P. Sloan Foundation, 1996-1998, Center for Managed Care Industry, \$1,200,000

Robert Wood Johnson Foundation, 1996-1997, Center for Managed Care Industry, \$200,000

The Commonwealth Fund, 1996-1997, "Risk Adjustment," \$200,000

The Commonwealth Fund, 1998-1999, "Risk Adjustment," \$100,000

Alfred P. Sloan Foundation, 1999-2004, Center for Managed Care Industry, \$1,200,000

Agency for Health Care Research and Quality, 2000-2005, "Structuring Markets and Competition in Medical Care," Grant No. P01 HS10803-01, \$4,500,000

Referee for:

American Economic Review
Economic Inquiry
Economic Journal
Economic Letters
Evaluation Review
Harvard University Press
Health Care Financing Review
Health Services Research
Industrial and Labor Relations Review
Inquiry
Journal of the American Geriatric Society
Journal of the American Statistical Association
Journal of Community Health
Journal of Development Economics
Journal of Econometrics
Journal of Economic Education
Journal of Human Resources
Journal of Political Economy
Journal of Public Economics
Medical Care
Milbank Memorial Fund Quarterly
National Science Foundation
New England Journal of Medicine
Policy Analysis
Princeton University Press
Review of Economic Studies
Review of Economics and Statistics
Southern Economic Journal
University of Michigan Press
University of Pennsylvania Press
World Development

Ph.D. Dissertation Committees of:

Colin Baker (Harvard Health Policy Program) - Minimum Wages and Uninsurance, now at the Congressional Budget Office

Amber Batata (Harvard Health Policy Program) - Adverse Selection and Administered Price Systems: The Case of Medicare Risk HMOs, now BMS Fellow in Health Economics and Fellow of Pembroke College at the Judge Institute of Management Sciences, Cambridge University, UK

Nancy Beaulieu (Harvard Health Policy Program) - Information on Quality and the Health Plan Market, now Assistant Professor at Harvard Business School

Susan Bronskill (Harvard Health Policy Program) - Improving Comparisons in Health Services Research, now Assistant Professor, Department of Health Policy, Management and Evaluation, University of Toronto Faculty of Medicine and Department of Public Health Sciences, University of Toronto

Melinda Beeuwkes Buntin (Harvard Health Policy Program, chair) - Competition and Payment Systems Under Medicare, now staff economist at RAND

John D. Chapman (Harvard Public Policy Program, chair) - Biased Enrollment and Risk Adjustment for Health Plans, now in private consulting

Yiing Jenq Chou (Harvard Health Policy Program) - Essays on the Impact of Changes in Health and Social Policy in Taiwan, now Associate Professor, Department of Social Medicine at National Yang-Ming University, Taipei, Taiwan

Thomas Concannon (Harvard Health Policy Program, chair) - Cost-Effectiveness Analyses of Emergency and Hospital Response Systems in Acute Myocardial Infarction, in progress

Rena Conti (Harvard Health Policy Program) - Price Indices for Depression, in progress.

Cheryl Damberg (RAND Graduate School) - Demand for Insurance Coverage, now at RAND

Bruce Davidson (UCLA School of Public Health) - Selection in Health Insurance, now Director, Resource and Outcomes Management, Cedars-Sinai Medical Center, Los Angeles

Sandra L. Decker (Harvard Department of Economics) - The Effect of Medicaid on Access to Health Care and Welfare Participation, now Senior Research Analyst, International Longevity Center, Mt. Sinai School of Medicine

Karen Eggleston (Harvard Public Policy Program, chair) - Selection, Production Efficiency, Risk Adjustment, and Agency: Optimal Payment Systems for Health Services, now Assistant Professor of Economics, Department of Economics, Tufts University

Frederico Girosi (Harvard Health Policy Program) - Forecasting Mortality, now at RAND

William Gnam (Harvard Health Policy Program) - Provider Incentives and the Quality of Depression Care, now Assistant Professor of Psychiatry, University of Toronto

Susan Haber (Harvard School of Public Health, chair) - Selection in the Medicaid Program, now at Research Triangle Institute

Jill R. Horwitz (Harvard Health Policy Program, chair) - The Organizational Form of Hospitals, now Assistant Professor, University of Michigan Law School

David H. Howard (Harvard Health Policy Program, chair) - Dynamic Decisions on Organ Transplantation, now Assistant Professor, Emory School of Public Health

Robert S. Huckman (Harvard Business Economics Program) - Effects of Hospital Mergers and Acquisitions on Cost and Performance, now Assistant Professor, Harvard Business School

Haiden A. Huskamp (Harvard Health Policy Program) - The Economics of Managed Behavioral Health Care Benefit Carve-Outs, now Associate Professor, Harvard Medical School, Department of Health Care Policy

Syeda Noorein Inamdar (Harvard Health Policy Program) - Corporate Strategy of Multibusiness Health Care Delivery Firms (in progress)

Melitta Jakab (Harvard Health Policy Program, chair) - Who Pays for and Benefits from the Single Payer Reforms in Kyrgyzstan? (in progress)

Srikanth Kadiyala (Harvard Health Policy Program) - Cost-Effectiveness of Preventive Services (in progress)

Patricia S. Keenan (Harvard Health Policy Program) - Implications of Rising Medical Care Spending, now a post-doctoral fellow at the NBER

Karl S. Kronebusch (Harvard Public Policy Program) - Variation in State Medicaid Programs – now Associate Professor, Yale Medical School, Department of Epidemiology and Public Health

John Lavis (Harvard Health Policy Program) - An Inquiry into the Links between Labor Market Experiences and Health, now Assistant Professor in the Department of Clinical Epidemiology and Biostatistics, McMaster University

Shoo Kim Lee (Harvard Health Policy Program) - Management of Low Birth Weight Infants, now Associate Professor in the Department of Pediatrics and Director of the Centre for Evaluation Science, University of British Columbia

Douglas Levy (Harvard Health Policy Program) - Insurance Coverage of Smoking Cessation Benefits (now a post-doctoral fellow at the Harvard School of Public Health)

J.F. Rachel Lu (Harvard School of Public Health, chair) - Treatment of Myocardial Infarction in the VA Health System, now Chair of the Department of Health Care Management and Associate Professor of Health Care Management, Chang Gung University, Taoyuan, Taiwan

Sharon Maccini (Harvard Health Policy Program) - The Health Effects of Decentralization (in progress)

Joyce Mann (UCLA School of Public Health, co-chair) - Effect of New Jersey DRG Program on Access, now at RAND

John McAlearney (Harvard Health Policy Program, chair) - Stretching the Safety Net: Community Health Centers and Community Participation in Medicaid, now Assistant Professor, Raj Soin College of Business, Wright State University

Nancy McCall (Harvard School of Public Health) - Physician Response to Pricing Changes, now Vice-President, Research Triangle Institute.

Mark B. McClellan (MIT Department of Economics) - The Economics of Medical Treatment Intensity, now Associate Professor, Department of Economics and Department of Medicine, Stanford University, on leave as Administrator, Centers for Medicare and Medicaid Services.

Jack Needleman (Harvard Public Policy Program) - The Economic Behavior of For-Profit and Nonprofit Hospitals: The Impact of Ownership Responses to Changing Reimbursement and Market Environments, now Associate Professor, UCLA School of Public Health.

Peter Neumann (Harvard School of Public Health) - An Economic Evaluation of In Vitro Fertilization, now Associate Professor, Department of Health Policy and Management, Harvard School of Public Health

Lisa Prosser (Harvard Health Policy Program) - Patient Preferences and Economic Considerations in Treatment Decisions for Multiple Sclerosis, now Assistant Professor, Department of Ambulatory Care and Prevention, Harvard Medical School

Dahlia K. Remler (Harvard Department of Economics) - The Effects of Global Budgets in the Veteran's Administration, now Assistant Professor, Baruch School of Public Policy

Elizabeth A. Richardson (Vigdor) (Harvard Health Policy Program) - Measuring Health and Assessing the Impact of Health System Change, now Assistant Professor of Public Policy, Duke University Sanford School of Public Policy

Allison Rosen (Harvard School of Public Health) - Cost Offsets from Drug Coverage, now Assistant Professor, Department of Medicine, University of Michigan

Meredith B. Rosenthal (Harvard Health Policy Program) - A Closer Look at the Theory and Practice of Risk-Sharing within Emerging Models of Managed Care, now Assistant Professor,

Department of Health Policy and Management, Harvard School of Public Health

Jennifer Prah Ruger (Harvard Health Policy Program) - Health, Health Care, and Incompletely Theorized Agreements, now Assistant Professor, Yale Medical School, Department of Epidemiology and Public Health.

Erica Seiguer (Harvard Health Policy Program) - Pharmaceutical Manufacturer Decisions on Drug Development (in progress)

Carl Serrato (UCLA School of Public Health) - Teenage Pregnancy Behavior – now at RAND

Yu-Chu Shen (Harvard Health Policy Program) - Behavior of Nonprofit Hospitals – Research Associate, now Assistant Professor, Naval Postgraduate School

Benjamin D. Sommers (Harvard Health Policy Program) - The Dynamics of Public and Private Health Insurance in the United States (in progress)

Christine Spencer (Harvard School of Public Health, chair) - Uncompensated Care Pools and the Distribution of Uninsured Care – now Assistant Professor, Johns Hopkins School of Health and Hygiene

H. Thomas Stelfox (Harvard Health Policy Program) - Patient Safety and Errors of Omission, now a fellow in critical care medicine, Massachusetts General Hospital.

David G. Stevenson (Harvard Health Policy Program) - The Consumer's Role in Nursing Home Quality, now Assistant Professor, Department of Health Care Policy, Harvard Medical School

David Studdert (Harvard School of Public Health) - Compensation of Medical Adverse Events, now Assistant Professor, Department of Health Policy and Management, Harvard School of Public Health

William Trautman (RAND Graduate School) - Technological Change in Banking

Jack V. Tu (Harvard Health Policy Program) - The Treatment of Acute Myocardial Infarction in the United States and Canada, now Associate Professor, Department of Medicine, University of Toronto

Jeffrey Wasserman (RAND Graduate School) - Demand for Cigarettes – now at RAND

Chapin White (Harvard Health Policy Program, chair) - The New Medicare Prospective Payment System for Skilled Nursing Facilities: Impacts on Payments, Selection, Services and Health Outcomes, now at the Congressional Budget Office.

Chi-man (Winnie) Yip (MIT Department of Economics) - Physician Response to Price Changes – now Associate Professor, Department of Population and International Health, Harvard School of Public Health

Post-Doctoral Fellowship Supervisor:

Mireille Jacobson - Physician Response to Cancer Chemotherapy Reimbursement - now Assistant Professor, Division of Social Sciences, University of California, Irvine (on leave as Robert Wood Johnson Scholar in Health Policy, University of Michigan)

Dahlia Remler - Medical Care Price Indices, now Assistant Professor, Baruch School of Public Policy

Rusty Tchernis - Health Plan Choice, now Assistant Professor, Department of Economics, Indiana University.

Teaching:

Macroeconomic Theory, UCLA Department of Economics, 1970-1972

Graduate Labor Economics, UCLA Department of Economics, 1971-1972

Health Policy Workshop, RAND Graduate School and UCLA School of Public Health, 1972-1988

Microeconomics, RAND Graduate School, 1975

Econometrics, RAND Graduate School, 1976-1987

The Economics of Health Policy (KSG HCP-272, HSPH HPM 227cd), Harvard University, 1989-1999, 2001-2004

Business and Labor in Health (KSG HCP-280; HSPH HPM 248cd), Harvard University, 1989-1993

Issues, Special Interests, and Health Care Reform (KSG HCP-280, HSPH HPM 248cd), Harvard University, 1994-1995

Seminar in Health Economics (Economics 2910, 2460; KSG HCP-581; HSPH 296cd), Harvard University, 1989-1999, 2001-2004

Public Economics and Fiscal Policy II (Economics 2450b), Harvard University, 1991-1993

The Scientific Basis of Health Care Policy (Psychology 2200), Harvard University, 1991, 1992
Core Course in Health Policy (FAS Health Policy 2000; KSG HCP-597 and 598; HSPH HPM 246abcd), Harvard University, 1992-2004

Seminar in Public and Organizational Decision Making (KSG 352y), Harvard University, 1993-1997

Reading Course in Health Economics (Economics 3460chf), Harvard University, 1994-2004

University Service:

University Committee to Review Health Care Benefits, 1988-1989

Health Care Table (co-chair), Negotiations between Harvard University and the Harvard Union of Clerical and Technical Workers, 1989

Search Committee for a Professor of Statistics (FAS/HMS), 1989

Subcommittee of Professors, Harvard Medical School, 1989-1992

Junior Analytic Search Committee, Kennedy School of Government, 1990-1993, 1998-1999

Search Committee for Professor of Health Care Policy (Behavioral Science) Harvard Medical School, 1991-1992

Committee on Higher Degrees in Health Policy (chair), 1991-present

Search Committee for a Professor of Health Care Policy (Health Economics), Harvard Medical School, 1992-1993

Search Committee for an Assistant/Associate Professor of Health Care Policy, Harvard Medical School, 1994

Search Committee for an Assistant/Associate Professor of Health Care Policy (Statistics), Harvard Medical School, 1994-1995

Search Committee for a Professor of Statistics, Harvard Medical School, 1995 (chair)

Search Committee for Chair of the Department of Health Policy and Management, Harvard School of Public Health, 1995-1996

Search Committee for Professor of Health Care Policy (Behavioral Science), Harvard Medical School, 1995-1996

University Committee to Review Health Care Benefits, 1995-present

Evaluation Committee for promotion of Douglas Staiger to Associate Professor (chair); Kennedy School of Government, 1997

Search Committee for an Assistant/Associate Professor of Health Care Policy (Economics), Harvard Medical School, 1996-1997

Evaluation Committee for promotion of Stephen B. Soumerai to Professor (chair); Harvard Medical School, 1997-1999

Search Committee for an Assistant/Associate Professor of Health Care Policy or Health Economics, Harvard School of Public Health, 1998-1999

Search Committee for an Assistant/Associate Professor of Health Care Policy or Health Economics, Harvard Medical School, 1998-1999

Junior Faculty Evaluation Committee, Kennedy School of Government, 1999.

Search Committee for a Professor of Health Economics, Harvard Medical School, 2000.

Search Committee for the Director of the Harvard Center for Risk Analysis, Harvard School of Public Health, 2001-2002, chair.

Search Committee for an Assistant Professor of Health Economics, Harvard School of Public Health, 2001-2002, chair.

Search Committee for a Professor of Statistics, Harvard Medical School, 2003.

Evaluation Committee for Iris Bohnet, Kennedy School of Government, 2003-2004 (chair).

Evaluation Committee for Nolan Miller, Kennedy School of Government, 2003-2004.

Evaluation Committee for Jeffrey Liebman, Kennedy School of Government, 2004-2005 (chair).

Evaluation Committee for Susan Dynarski, Kennedy School of Government, 2004-2005.

LIST OF PUBLICATIONS
JOSEPH P. NEWHOUSE

1. Joseph P. Newhouse, "Technological Change in Banking," in The Employment Impact of Technological Change, Studies Prepared for the National Commission on Technology, Automation, and Economic Progress; Washington: Government Printing Office, 1966.
2. Lester D. Taylor and Joseph P. Newhouse, "A Comment on the Long-Run and Short-Run Demand for Money," Journal of Political Economy, 77:5, September/ October 1969, pp. 851-856.
3. Joseph P. Newhouse, "The Relationship of Corrected R-Squared and the Incremental t-Statistic," The RAND Corporation, P-4206, October 1969.
4. Joseph P. Newhouse and Vincent D. Taylor, "Medical Costs, Health Insurance, and Public Policy," The RAND Corporation, P-4274-1, December 1969.
5. Vincent D. Taylor and Joseph P. Newhouse, "Improving Budgeting Procedures and Outpatient Operations in Nonprofit Hospitals," The RAND Corporation, RM-6057-1, January 1970.
6. Joseph P. Newhouse, "Toward a Theory of Nonprofit Institutions: An Economic Model of a Hospital," American Economic Review, 60:1, March 1970, pp. 64-74. Reprinted in Health Economics, eds. Michael Cooper and Anthony Culyer, Penguin, 1973.
7. Joseph P. Newhouse, "Determinants of Days Lost From Work Due to Sickness," in Empirical Studies in Health Economics, ed. Herbert Klarman, Baltimore: Johns Hopkins Press, 1970.
8. Emmett B. Keeler and Joseph P. Newhouse, "A Normative Model of Medical Research Allocation," The RAND Corporation, RM-6108-1, June 1970.
9. Joseph P. Newhouse, "The Simple Theory of Public Library Services," The RAND Corporation, P-4286-1, October 1970.
10. Joseph P. Newhouse and Vincent D. Taylor, "The Subsidy Problem in Hospital Insurance," The Journal of Business, 43:4, October 1970, pp. 452-456.
11. Joseph P. Newhouse, "A Model of Physician Pricing," Southern Economic Journal, 37:2, October 1970, pp. 174-183; "Comment and Reply," Southern Economic Journal, 38:4, April 1972, pp. 577-580 (reply co-authored with Frank A. Sloan).
12. Vincent D. Taylor and Joseph P. Newhouse, "Ambulatory Care at the Good Samaritan Medical Center," The RAND Corporation, RM-6342, November 1970.
13. Joseph P. Newhouse, "Allocation of Public Sector Resources in Medical Care: An Economist Looks at Health Planning," Economics and Business Bulletin, 23:2, Winter 1971, pp. 8-12.
14. Joseph P. Newhouse, "A Simple Hypothesis of Income Distribution," The Journal of Human

Resources, 6:1, Winter 1971, pp. 51-74.

15. Joseph P. Newhouse and Vincent D. Taylor, "How Shall We Pay for Hospital Care?" The Public Interest, 23, Spring 1971, pp. 78-92; abridged in Medical Economics, October 25, 1971.
16. Joseph P. Newhouse and Samuel D. Oman, "An Evaluation of Ridge Estimators," The RAND Corporation, R-716-PR, April 1971, presented at the December 1970 Econometric Society Meetings.
17. Richard V. L. Cooper and Joseph P. Newhouse, "Further Results on the Errors-in-the-Variables Problem," The RAND Corporation, P-4715, October 1971.
18. Joseph P. Newhouse and Vincent D. Taylor, "A New Type of Hospital Insurance: A Proposal for an Experiment," Journal of Risk and Insurance, 38:4, December 1971, pp. 601-612.
19. Charles E. Phelps and Joseph P. Newhouse, "The Effects of Coinsurance on the Demand for Physician Services," The RAND Corporation, R-976-OEO, January 1972.
20. Joseph P. Newhouse and Arthur J. Alexander, An Economic Analysis of Public Library Services, Lexington: D.C. Heath, 1972.
21. Joseph P. Newhouse, "A Suggestion on the Positive Theory of Redistribution," Public Choice, XII, Spring 1972, pp. 115-118.
22. Joseph P. Newhouse, "Does an Increase in the Price of a Necessity Reduce Welfare More than an Equivalent Increase in the Price of a Luxury?" Inquiry, 9:2, June 1972, pp. 77-79.
23. Charles E. Phelps and Joseph P. Newhouse, "Effects of Coinsurance: A Multivariate Analysis," Social Security Bulletin, 35:6, June 1972, pp. 20-29.
24. Joseph P. Newhouse, "Organization of and Allocation of Resources to Biomedical Research and Development," The RAND Corporation, P-4864, July 1972, translated and published in Japanese in a book entitled Policy Analysis by Nomura Research Institute, Kamakura, Japan.
25. Joseph P. Newhouse, "Remarks at Conference on Directions in Health Economics Regarding Research on Health Insurance and Biomedical Research and Development," The RAND Corporation, P-4941, January 1973.
26. Joseph P. Newhouse, "The Economics of Group Practice," The Journal of Human Resources, 8:1, Winter 1973, pp. 37-56.
27. Joseph P. Newhouse and Jan P. Acton, "Compulsory Health Planning Laws and National Health Insurance," in Health Planning, Certificates of Need, and Market Entry, ed. Clark Havighurst, The American Enterprise Institute, 1973.
28. Joseph P. Newhouse, "Issues in the Analysis and Design of the Experimental Portion of the Health Insurance Study," American Statistical Association, Proceedings of the Social Statistics Section, 1973.

29. Joseph P. Newhouse, Charles E. Phelps, and William B. Schwartz, "Policy Options and the Impact of National Health Insurance," New England Journal of Medicine, 290: 24, June 13, 1974, pp. 1345-1359; reprinted in Benefit-Cost and Policy Analysis, 1974, ed. Richard Zeckhauser; Chicago: Aldine, 1975; Journal of the California Dental Association, 2:10, pp. 53-64, and in Public Expenditure and Policy Analysis, second edition, eds. Robert H. Haveman and Julius Margolis, Chicago: Rand McNally College Publishing Company, 1977.
30. Charles E. Phelps and Joseph P. Newhouse, "Coinsurance, the Price of Time, and the Demand for Medical Services," Review of Economics and Statistics, 56:3, August 1974, pp. 334-342.
31. Joseph P. Newhouse, "A Design for a Health Insurance Experiment," Inquiry, 11:1, March 1974, pp. 5-27; "Reply to Hester and Leveson," Inquiry, 11:3, September 1974, pp. 236-241. "Design" reprinted in Economics in Health Care, eds. Lewis E. Weeks and Howard J. Berman, Germantown, MD: Aspen Systems Corporation, 1977. "Design" and "Reply" reprinted in Financing of Health Care, eds. Lewis E. Weeks, Howard J. Berman, and Gerald E. Bisbee, Jr., Ann Arbor: Health Administration Press, 1979.
32. Charles E. Phelps and Joseph P. Newhouse, "Coinsurance and the Demand for Medical Services," The RAND Corporation, R-964-1-OEO/NC, October 1974.
33. Joseph P. Newhouse and Charles E. Phelps, "Price and Income Elasticities for Medical Care Services," in The Economics of Health and Medical Care, Proceedings of a Conference of the International Economics Association, ed. Shigeto Tsuru and Mark Perlman, London: Macmillan, 1974.
34. Joseph P. Newhouse, "Forecasting Demand and the Planning of Health Services," in Systems Aspects of Health Planning, Proceedings of the IIASA Conference, Baden, Austria, August 20-22, 1974, eds. Mark Thompson and Norman T.J. Bailey; Amsterdam: North-Holland Publishing Company, 1975.
35. Joseph P. Newhouse, "Informed Consent and Social Experimentation," in Ethical and Legal Issues of Social Experimentation, ed. Alice Rivlin and P. Michael Timpane, The Brookings Institution, Washington, D.C., 1975.
36. Joseph P. Newhouse, "Comment on Papers by H.E. Frech and P.B. Ginsburg," Conference on Regulatory Reform, American Enterprise Institute, September 1975.
37. Joseph P. Newhouse, "The Allocation of Resources in Medical Care from an Economist's Perspective," in Development and Allocation of Medical Care Resources: XXIX World Medical Assembly; Tokyo: Japan Medical Association, 1975, reprinted in Asian Medical Journal, 19:5, May 1975, pp. 35-53. (Also available from The RAND Corporation as P-5608-1.)
38. Joseph P. Newhouse, "Inflation and Health Insurance," in Health: A Victim or Cause of Inflation, ed. Michael Zubkoff, New York: Milbank Memorial Fund, 1976. (Also available from The RAND Corporation as P-5331.)

39. Joseph P. Newhouse, "Health Care Cost Sharing and Cost Containment," in National Health Insurance: Major Issues, Volume III, Hearings Before the Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce, House of Representatives, Ninety-fourth Congress, Second Session (Serial 94-91), February 24, 1976. (Also available from The RAND Corporation as P-5615.)
40. William B. Schwartz and Joseph P. Newhouse, Book Review of Hetherington, Robert, et al., Health Insurance Plans: Promise and Performance; New England Journal of Medicine, 294:8, February 19, 1976, pp. 451-452.
41. Kent N. Marquis, M. Susan Marquis, and Joseph P. Newhouse, "The Measurement of Expenditures for Outpatient Physician and Dental Services: Methodological Findings from the Health Insurance Study," Medical Care, 14:11, November 1976, pp. 913-931.
42. Joseph P. Newhouse and Charles E. Phelps, "New Estimates of Price and Income Elasticities for Medical Care Services," in The Impact of Health Insurance on the Health Services Sector, ed. Richard Rosett, New York: National Bureau of Economic Research, 1976.
43. Joseph P. Newhouse, "Comments on Evaluation of Social Experiments," in The Evaluation of Social Programs, ed. Clark Abt; Beverly Hills: Sage, 1976.
44. Joseph P. Newhouse, "Medical Care Expenditure: A Cross-National Survey," Journal of Human Resources, 12:1, Winter 1977, pp. 115-125. An expanded version of this paper is published in Policies for the Containment of Health Care Costs and Expenditures, ed. Stuart Schweitzer, DHEW Publication No. (NIH) 78-184.
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Exhibit 6

Expert Testimony Provided in the Last Four Years

1. Amgen Inc. Claimant v. Ortho Pharmaceutical Corp., Respondent and Counter-Claimant; Arbitration before the Honorable Frank J. McGarr Arbitrator; Expert Report 6/14/2001, Deposition 12/13/2001. Trial testimony 4/10-11/2002, 4/22/2002.
2. In the matter of Application of EchoStar Communications Corporation, General Motors Corporation, Hughes Electronics Corporation and EchoStar Communications Corporation, For Authority to Transfer Control, Before the Federal Communications Commission, Declaration of Robert Willig on behalf of the applicants, 12/3/01 and 2/25/02.
3. In the Matter of Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services, Before the Federal Communications Commission, CC Docket No. 01-337, Declaration of Robert Willig, 3/1/02.
4. In the Matter of Schering-Plough Corporation, a corporation; Upsher-Smith Laboratories Inc. a corporation; and American Home Products Corporation, a Corporation; Before the Federal Trade Commission, Docket No. 9297; Expert Report 10/8/2001; Deposition 12/7/01 and 2/25/02. Trial testimony 3/8/02.
5. In the Matter of Central Garden and Pet Company v. The Scotts Company, et al., in the United States District Court, Northern District of California, Case Number C-00-2465 MMC(ADRX); Expert Report 3/1/2002; Deposition 4/1/2002.
6. Sarah Futch Hall, et. al. v. United Airlines et. al.; In the United States District Court for the Eastern District of North Carolina Southern Division; No.: 7:00-CV-123-BR(1); Expert report 11/15/2002; Deposition 12/17/2002; Rebuttal Report 12/23/2002; Supplemental Declaration 3/6/2003.
7. Vantico Holding, S.A., et al. v. Apollo Management, et al.; United States District Court, Southern District of New York; Case Number 03 Civ. 0768 (JGK). Expert Report 2/10/2003; Trial Testimony 2/12/2003.
8. In the matter of Application by Air New Zealand Limited and Qantas Airways Limited for Authorisation to enter a strategic Alliance Agreement and Application by Qantas Airways Ltd. to subscribe for up to 22.5% of the voting equity in Air New Zealand Ltd., Before the New Zealand Commerce Commission; Reports 6/20/03; 7/28/2003; Conference testimony, 8/20-22/2003.
9. EchoStar Satellite, L.L.C., f/k/a EchoStar Satellite Corporation vs. Viacom, Inc., et al., United States District Court, Northern District of California; Case Number C-04-00049 CW; Declaration 1/7/2004; Reply Declaration 1/15/2004; Deposition 2/17/2004; Supplemental Declaration 2/20/2004.

00049 CW; Declaration 1/7/2004; Reply Declaration 1/15/2004; Deposition 2/17/2004; Supplemental Declaration 2/20/2004.

10. Marriott International, Inc., et al. v. CTF Hotel Holdings, Inc., and Hotel Property Investments (B.V.I.) Ltd., International Center for Dispute Resolution, American Arbitration Association, Case Number 50-T-168-00171-2; Expert Report, 1/23/2004; Deposition, 2/26/2004.

11. In the Matter of an appeal from determinations of the Commerce Commission Between Air New Zealand Limited and Qantas Airways Limited and Commerce Commission, In the High Court of New Zealand Auckland Registry Commercial List; CIV 20034046590; Affidavit of Robert Willig and Margaret Guerin-Calvert; 4/15/2004; trial testimony and cross-examination, 7/13-16/2004.

12. In the Matter of Aspen Technology Corporation; Before the Federal Trade Commission, Docket No. 9310; Expert Report, 4/23/2004.

13. In The Matter of A La Carte and Themed Tier Programming and Pricing Options for Programming Distribution on Cable Television and Direct Broadcast Satellite Systems, Declaration of Robert D. Willig, Jonathan M. Orszag, and Jay Ezrielev, Filed in Conjunction With Comments Submitted to the Federal Communications Commission (MB Docket No. 04-207), July 15, 2004.

14. Store Cards Inquiry before the UK Competition Commission, Report of Robert Willig on behalf of General Electric Consumer Finance, 2/12/2005; testimony 3/4/2005.

15. Masimo Corporation v. Tyco Health Care Group L P. and Mallinckrodt, Inc.; United States District Court, Central District of California Western Division; Case Number CV02-4440 MRP; Expert Report 2/19/2004; Deposition, 4/2/2004; jury trial testimony, 3/10-11/2005.

16. In The Matter of Applications for the Transfer of Control of Licenses and Authorizations From Western Wireless Corporation to ALLTEL Corporation, Declaration of Robert D. Willig, Jonathan M. Orszag and Yair Eilat, Submitted to the Federal Communications Commission (WT Docket No. 05-50), March 29, 2005.

17. Metropolitan Intercollegiate Basketball Association v. National Collegiate Athletic Association, et al; Civil Action No. 01-0071 (MGC); Declaration, 1/16/2004; Reply Declaration 4/8/2004; Expert Report, 6/13/05; Deposition, 6/18/05.

18. In re Public Offering Fee Antitrust Litigation and Issuer Plaintiff Public Offering Fee Antitrust Litigation, In the U.S. District Court for the Southern District of New York, 98 Civ. 7890 (LMM) and 00 Civ. 7804 (LMM); Expert Report 5/25/2005; Deposition, 9/15/2005.

19. Mylan Pharmaceuticals Inc., Mylan Laboratories Inc., and UDL Laboratories Inc., v. Clifford Chance US LLP, and Clifford Chance Rogers & Wells LLP, In the United

States District Court For The Northern District Of West Virginia, Civil Action No.: 1:03 CV 16; Expert Report 3/31/2006, Deposition 7/28/2006.

20. MBDA UK Limited, BAE SYSTEMS PLC, BAE SYSTEMS Defense Limited, and BAE SYSTEMS (Dynamics) Limited v. RAYTHEON COMPANY, American Arbitration Association, AAA-ICDR Case No. 50-180-T-00462-04, Declaration 4/12/2006; Deposition 4/27/2006, Testimony 5/19/2006.

21. Tessera, Inc. v. Micron Technology, Inc. et al, In the United States District Court For The Eastern District of Texas, Marshall Division, Civil Action No. 2-05cv94, Expert Report, 6/23/2006.

22. Bob L. McIntosh and Chris Petersen (d/b/a C-K Farms) v. Monsanto Company, et al., In the United States District Court for the Eastern District of Missouri, Civil No. 4:01cv00065RWS, Expert Report, 7/10/2006, Deposition 8/23/2006.

23. The SCO Group, Inc. v. International Business Machines Corporation, In the United States District Court For The District of Utah, Civil No. 2: 03-CV-0294 DAK, Expert Report 7/17/2006, Deposition 10/6/2006.

Exhibit 1

Curriculum Vitae

December 2005

Name: Robert D. Willig

Address: 220 Ridgeview Road, Princeton, New Jersey 08540

Birth: 1/16/47; Brooklyn, New York

Marital Status: Married, four children

Education: Ph.D. Economics, Stanford University, 1973
Dissertation: Welfare Analysis of Policies
Affecting Prices and Products.
Advisor: James Rosse

M.S. Operations Research, Stanford University, 1968.

A.B. Mathematics, Harvard University, 1967.

Professional Positions:

Professor of Economics and Public Affairs, Princeton University, 1978-.

Principal External Advisor, Infrastructure Program, Inter-American Development Bank, 6/97-8/98.

Deputy Assistant Attorney General, U.S. Department of Justice, 1989-1991.

Supervisor, Economics Research Department, Bell Laboratories, 1977-1978.

Visiting Lecturer (with rank of Associate Professor), Department of Economics and Woodrow Wilson School, Princeton University, 1977-78 (part time).

Economics Research Department, Bell Laboratories, 1973-77.

Lecturer, Economics Department, Stanford University, 1971-73.

Other Professional Activities:

Director, Competition Policy Associates, Inc., 2003-2005

Advisory Board, Electronic Journal of Industrial Organization and Regulation Abstracts, 1996-.

Advisory Board, Journal of Network Industries, 2004-.

Visiting Faculty Member (occasional), International Program on Privatization and Regulatory Reform, Harvard Institute for International Development, 1996-2000.

Member, National Research Council Highway Cost Allocation Study Review Committee, 1995-98.

Member, Defense Science Board Task Force on the Antitrust Aspects of Defense Industry Consolidation, 1993-94.

Editorial Board, Utilities Policy, 1990-2001

Leif Johanson Lecturer, University of Oslo, November 1988.

Member, New Jersey Governor's Task Force on Market-Based Pricing of Electricity, 1987-89.

Co-editor, Handbook of Industrial Organization, 1984-89.

Associate Editor, Journal of Industrial Economics, 1984-89.

Director, Consultants in Industry Economics, Inc., 1983-89, 1991-94.

Fellow, Econometric Society, 1981-.

Organizing Committee, Carnegie-Mellon-N.S.F. Conference on Regulation, 1985.

Board of Editors, American Economic Review, 1980-83.

Nominating Committee, American Economic Association, 1980-1981.

Research Advisory Committee, American Enterprise Institute, 1980-1986.

Editorial Board, M.I.T. Press Series on Government Regulation of Economic Activity, 1979-93.

Program Committee, 1980 World Congress of the Econometric Society.

Program Committee, Econometric Society, 1979, 1981, 1985.

Organizer, American Economic Association Meetings: 1980, 1982.

American Bar Association Section 7 Clayton Act Committee, 1981.

Principal Investigator, NSF grant SOC79-0327, 1979-80; NSF grant 285-6041, 1980-82; NSF grant SES-8038866, 1983-84, 1985-86.

Aspen Task Force on the Future of the Postal Service, 1978-80.

Organizing Committee of Sixth Annual Telecommunications Policy Research Conference, 1977-78.

Visiting Fellow, University of Warwick, July 1977.

Institute for Mathematical Studies in the Social Sciences, Stanford University, 1975.

Consulting: Bell Laboratories, 1978-79; AT&T, 1978-89, 1991-; Conrail 1978-87, 1991-97; Federal Trade Commission, 1979-82, 1994-96; Pennsylvania Bell, 1980; Simpson Thatcher Bartlett, 1980, 1993-98; American Association of Railroads, 1981, 1985; Math-tech, 1981; Union Pacific Railroad, 1981, 1995-99; Family Lines Rail System, 1982; Pepper, Hamilton, and Scheetz, 1981-87, 1991-98, 2001; Siemens Corp., 1982; Board of Governors of U. S. Postal Service, 1981; OECD, 1983-85, 1991-95; Sidley & Austin, 1983-89, 1991-2005; U.S. Postal Service, 1983-84; Echlin Inc., 1982-83; United Airlines, 1983, 1991-98; Consultants in Industry Economics, 1983-89, 1991-2005; Wiley, Malehorn & Sirota, 1983-89; City of Newark, 1984; Arnold & Porter, 1986-89, 1991-2000, 2004-; Howrey & Simon, 1985-88, 1993-2005; Kodak, 1987-89; Crowell & Moring, 1988; Viacom 1989, 1991-98; Bell Atlantic, 1991-94; Intel, 1991-93; AOPL, 1993; IBM, 1993-96; Merck, 1993-1995; Harkins Cunningham, 1993-96; Boeing, 1993-98; Niagara Mohawk, 1994; PSE&G, 1994-1996; Microsoft, 1994; Coca-Cola Co., 1994-01; Digital Equipment Corp. 1997-98; World Bank 1994-98; Inter-American Development Bank, 1997-2000; Steptoe & Johnson, 1997-; Air Transport Association of America, 1998; American Electric Power, 1999-2001; Cravath, Swaine & Moore, 1998-; Skadden Arps, 1999-2001; Amgen, 2000-02; Comcast, 2000; Williams & Connolly, 2000; New Power Corporation, 2001. Freddie Mac, 2002; BMG, 2003-2005; Qantas and Air New Zealand, 2003-2004; Competition Policy Associates, Inc. 2003-2005.

Published Articles and Book Chapters:

"The Risk of Contagion from Multi-Market Contact," (with Charles Thomas), The International Journal of Industrial Organization, forthcoming 2006.

"Economic Effects of Antidumping Policy," reprinted in The WTO and Anti-Dumping, Douglas Nelson (ed.), Edward Elgar, forthcoming 2006.

"Pareto-Superior Nonlinear Outlay Schedules," reprinted in The Economics of Public Utilities, Ray Rees (ed.), Edward Elgar, forthcoming 2006.

"Antitrust Policy Towards Agreements That Settle Patent Litigation," (with John Bigelow), Antitrust Bulletin, Fall 2004, pp. 655-698.

"Economies of Scope," (with John Panzar), reprinted in The Economics of Business Strategy, John Kay (ed.), Edward Elgar, 2003.

"Panel on Substantive Standards for Mergers and the Role of Efficiencies," in International Antitrust Law & Policy, Barry E. Hawk (ed.), Juris Publishing, 2003.

"Practical Rules for Pricing Access in Telecommunications," (with J. Ordoover) in Second Generation Reforms in Infrastructure Services, F. Basanes and R. Willig (eds.), Johns Hopkins Press, 2002.

"Comments on Antitrust Policy in the Clinton Administration," in American Economic Policy in the 1990s, J. Frankel and P. Orszag (eds.), MIT Press, 2002.

"Entrepreneurship, Access Policy and Economic Development: Lessons from Industrial Organization," (with M. Dutz and J. Ordoover), European Economic Review, (44)4-6 (2000), pp. 739-747.

"Public Versus Regulated Private Enterprise," reprinted in Privatization in Developing Countries, P. Cook and C. Kirkpatrick (eds.), Edward Elgar, 2000.

"Consumer's Surplus Without Apology," reprinted in Readings in Social Welfare: Theory and Policy, Robert E. Kuenne (ed.), Blackwell, 2000, pp. 86-97; reprinted in Readings in Microeconomic Theory, M. M. La Manna (ed.), Dryden Press, 1997, pp. 201-212.

"Pareto Superior Nonlinear Outlay Schedules," reprinted in The Economics of Price Discrimination, G. Norman, (ed.), Edward Elgar, 1999.

"Deregulation v. the Legal Culture: Panel Discussion," in Is the Telecommunications Act of 1996 Broken?, G. Sidak (ed.), AEI Press, 1999.

"Economic Principles to Guide Post-Privatization Governance," in Can Privatization Deliver? Infrastructure for Latin America, R. Willig co-editor, Johns Hopkins Press, 1999.

"Access and Bundling in High-Technology Markets," (with J. A. Ordoover), in Competition, Innovation and the Microsoft Monopoly: Antitrust in the Digital Marketplace, J. A. Eisenach and T. Lenard (eds.), Kluwer, 1999.

"Competitive Rail Regulation Rules: Should Price Ceilings Constrain Final Products or Inputs?," (With W. J. Baumol), Journal of Transport Economics and Policy, Vol. 33, Part 1, pp. 1-11.

"Economic Effects of Antidumping Policy," Brookings Trade Forum: 1998, 19-41.

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"Address To The Section," Antitrust Law Section Symposium, New York State Bar Association, 1990.

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"On the Theory of Perfectly Contestable Markets," (with J. Panzar and W. Baumol), in New Developments in The Analysis of Market Structure, J. Stiglitz and F. Mathewson (eds.), MIT Press, 1986.

"InterLATA Capacity Growth and Market Competition," (with C. Shapiro), in Telecommunications and Equity: Policy Research Issues, J. Miller (ed.), North Holland, 1986.

"Corporate Governance and Market Structure," in Economic Policy in Theory and Practice, A. Razin and E. Sadka (eds.), Macmillan Press, 1986.

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"Local Telephone Pricing in a Competitive Environment," (with J. Ordover), in Telecommunications Regulation Today and Tomorrow, E. Noam (ed.), Harcourt Brace Jovanovich, 1983.

"Economics and Postal Pricing Policy," (with B. Owen), in The Future of the Postal Service, J. Fleishman (ed.), Praeger, 1983.

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"Intertemporal Failures of the Invisible Hand: Theory and Implications for International Market Dominance," (with W.J. Baumol), Indian Economic Review, Vol. XVI, Nos. 1 and 2, January-June 1981, pp. 1-12.

"Unfair International Trade Practices," (with J. Ordover and A. Sykes), Journal of International Law and Politics, Vol. 15, No. 2, winter 1983, pp. 323-337.

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"Herfindahl Concentration, Rivalry, and Mergers," (with J. Ordover and A. Sykes), Harvard Law Review, V. 95, No. 8, June 1982, pp. 1857-1875.

"An Economic Definition of Predation: Pricing and Product Innovation," (with J. Ordover), Yale Law Journal, Vol. 90: 473, December 1981, pp. 1-44.

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"Economies of Scope," (with J. Panzar), American Economic Review, Vol. 72, No. 2, May 1981, pp. 268-272.

"Income-Distribution Concerns in Regulatory Policymaking," (with E.E. Bailey) in Studies in Public Regulation (G. Fromm, ed.), MIT Press, Cambridge, 1981, pp. 79-118.

"An Economic Definition of Predatory Product Innovation," (with J. Ordover), in Strategic Predation and Antitrust Analysis, S. Salop (ed.), 1981.

"What Can Markets Control?" in Perspectives on Postal Service Issues, R. Sherman (ed.), American Enterprise Institute, 1980.

"Pricing Decisions and the Regulatory Process," in Proceedings of the 1979 Rate Symposium on Problems of Regulated Industries, University of Missouri-Columbia Extension Publications, 1980, pp. 379-388.

"The Theory of Network Access Pricing," in Issues in Public Utility Regulation, H.M. Trebing (ed.), MSU Public Utilities Papers, 1979.

"Customer Equity and Local Measured Service," in Perspectives on Local Measured Service, J. Baude, et al. (ed.), 1979, pp. 71-80.

"The Role of Information in Designing Social Policy Towards Externalities," (with J. Ordover), Journal of Public Economics, V. 12, 1979, pp. 271-299.

"Economies of Scale and the Profitability of Marginal-Cost Pricing: Reply," (with J. Panzar), Quarterly Journal of Economics, Vol. 93, No. 4, November 1979, pp. 743-4.

"Theoretical Determinants of the Industrial Demand for Electricity by Time of Day," (with J. Panzar) Journal of Econometrics, V. 9, 1979, pp. 193-207.

"Industry Performance Gradient Indexes," (with R. Dansby), American Economic Review, V. 69, No. 3, June 1979, pp. 249-260.

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Welfare Analysis of Policies Affecting Prices and Products, Garland Press, 1980.

Unpublished Papers and Reports:

"Assessment of U.S. Merger Enforcement Policy," statement before the Antitrust Modernization Commission, 11/17/05.

"Investment is Appropriately Stimulated by TELRIC," in Pricing Based on Economic Cost, 12/2003.

"Brief of Amici Curiae Economics Professors, re Verizon v. Trinko, In the Supreme Court of the U.S.," (with W.J. Baumol, J.O. Ordover and F.R. Warren-Boulton), 7/25/2003.

"Stimulating Investment and the Telecommunications Act of 1996," (with J. Bigelow, W. Lehr and S. Levinson), 2002.

"An Economic Analysis of Spectrum Allocation and Advanced Wireless Services," (with Martin N. Baily, Peter R. Orszag, and Jonathan M. Orszag), 2002

"Effective Deregulation of Residential Electric Service," 2001

"Anticompetitive Forced Rail Access," (with W. J. Baumol), 2000

"The Scope of Competition in Telecommunications" (with B. Douglas Bernheim), 1998

"Why Do Christie and Schultz Infer Collusion From Their Data? (with Alan Kleidon), 1995.

"Demonopolization," (with Sally Van Sieten), OECD Vienna Seminar Paper, 1993.

"Economic Analysis of Section 337: The Balance Between Intellectual Property Protection and Protectionism," (with J. Ordovery) 1990.

"The Effects of Capped NTS Charges on Long Distance Competition," (with M. Katz).

"Discussion of Regulatory Mechanism Design in the Presence of Research Innovation, and Spillover Effects," 1987.

"Industry Economic Analysis in the Legal Arena," 1987.

"Deregulation of Long Distance Telephone Services: A Public Interest Assessment," (with M. Katz).

"Competition-Related Trade Issues," report prepared for OECD.

"Herfindahl Concentration Index," (with J. Ordovery), Memorandum for ABA Section 7 Clayton Act Committee, Project on Revising the Merger Guidelines, March 1981.

"Market Power and Market Definition," (with J. Ordovery), Memorandum for ABA Section 7 Clayton Act Committee, Project on Revising the Merger Guidelines, May 1981.

"The Continuing Need for and National Benefits Derived from the REA Telephone Loan Programs - An Economic Assessment," 1981.

"The Economics of Equipment Leasing: Costing and Pricing," 1980.

"Rail Deregulation and the Financial Problems of the U.S. Railroad Industry," (with W.J. Baumol), report prepared under contract to Conrail, 1979.

"Price Indexes and Intertemporal Welfare," Bell Laboratories Economics Discussion Paper, 1974.

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Invited Conference Presentations:

World Bank Seminar

“The Dangers of Over-Ambitious Regulation”	2005
ABA Section of Antitrust Law 2005 Fall Forum “Is There a Gap Between the Guidelines and Agency Practice?”	2005
Hearing of Antitrust Modernization Commission “Assessment of U.S. Merger Enforcement Policy”	2005
LEAR Conference on Advances in the Economics of Competition Law “Exclusionary Pricing Practices”	2005
Annual Antitrust Law Institute “Cutting Edge Issues in Economics”	2005
PRIOR Symposium on States and Stem Cells “Assessing the Economics of State Stem Cell Programs”	2005
ABA Section of Antitrust Law – AALS Scholars Showcase “Distinguishing Anticompetitive Conduct”	2005
Allied Social Science Associations National Convention “Antitrust in the New Economy”	2005
ABA Section of Antitrust Law 2004 Fall Forum “Advances in Economic Analysis of Antitrust”	2004
Phoenix Center State Regulator Retreat “Regulatory Policy for the Telecommunications Revolution”	2004
OECD Competition Committee “Use of Economic Evidence in Merger Control”	2004
Justice Department/Federal Trade Commission Joint Workshop “Merger Enforcement”	2004
Phoenix Center Annual U.S. Telecoms Symposium “Incumbent Market Power”	2003
Center for Economic Policy Studies Symposium on Troubled Industries “What Role for Government in Telecommunications?”	2003
Princeton Workshop on Price Risk and the Future of the Electric Markets “The Structure of the Electricity Markets”	2003
2003 Antitrust Conference	

“International Competition Policy and Trade Policy”	2003
International Industrial Organization Conference “Intellectual Property System Reform”	2003
ABA Section of Antitrust Law 2002 Fall Forum “Competition, Regulation and Pharmaceuticals”	2002
Fordham Conference on International Antitrust Law and Policy “Substantive Standards for Mergers and the Role of Efficiencies”	2002
Department of Justice Telecom Workshop “Stimulating Investment and the Telecommunications Act of 1996”	2002
Department of Commerce Conference on the State of the Telecom Sector “Stimulating Investment and the Telecommunications Act of 1996”	2002
Law and Public Affairs Conference on the Future of Internet Regulation “Open Access and Competition Policy Principles”	2002
Center for Economic Policy Studies Symposium on Energy Policy “The Future of Power Supply”	2002
The Conference Board: Antitrust Issues in Today’s Economy “The 1982 Merger Guidelines at 20”	2002
Federal Energy Regulatory Commission Workshop “Effective Deregulation of Residential Electric Service”	2001
IPEA International Seminar on Regulation and Competition “Electricity Markets: Deregulation of Residential Service”	2001
“Lessons for Brazil from Abroad”	2001
ABA Antitrust Law Section Task Force Conference “Time, Change, and Materiality for Monopolization Analyses”	2001
Harvard University Conference on American Economic Policy in the 1990s “Comments on Antitrust Policy in the Clinton Administration”	2001
Tel-Aviv Workshop on Industrial Organization and Anti-Trust “The Risk of Contagion from Multimarket Contact”	2001
2001 Antitrust Conference “Collusion Cases: Cutting Edge or Over the Edge?”	2001
“Dys-regulation of California Electricity”	2001

FTC Public Workshop on Competition Policy for E-Commerce "Necessary Conditions for Cooperation to be Problematic"	2001
HIID International Workshop on Infrastructure Policy "Infrastructure Privatization and Regulation"	2000
Villa Mondragone International Economic Seminar "Competition Policy for Network and Internet Markets"	2000
New Developments in Railroad Economics: Infrastructure Investment and Access Policies "Railroad Access, Regulation, and Market Structure"	2000
The Multilateral Trading System at the Millennium "Efficiency Gains From Further Liberalization"	2000
Singapore – World Bank Symposium on Competition Law and Policy "Policy Towards Cartels and Collusion"	2000
CEPS: Is It a New World?: Economic Surprises of the Last Decade "The Internet and E-Commerce"	2000
Cutting Edge Antitrust: Issues and Enforcement Policies "The Direction of Antitrust Entering the New Millennium"	2000
The Conference Board: Antitrust Issues in Today's Economy "Antitrust Analysis of Industries With Network Effects"	1999
CEPS: New Directions in Antitrust "Antitrust in a High-Tech World"	1999
World Bank Meeting on Competition and Regulatory Policies for Development "Economic Principles to Guide Post-Privatization Governance"	1999
1999 Antitrust Conference "Antitrust and the Pace of Technological Development"	1999
	1999
"Restructuring the Electric Utility Industry"	
HIID International Workshop on Privatization, Regulatory Reform and Corporate Governance "Privatization and Post-Privatization Regulation of Natural Monopolies"	1999
The Federalist Society: Telecommunications Deregulation: Promises Made, Potential Lost? "Grading the Regulators"	1999
Inter-American Development Bank: Second Generation Issues In the Reform	

Of Public Services	
"Post-Privatization Governance"	1999
"Issues Surrounding Access Arrangements"	1999
Economic Development Institute of the World Bank -- Program on Competition Policy	
"Policy Towards Horizontal Mergers"	1998
Twenty-fifth Anniversary Seminar for the Economic Analysis Group of the Department of Justice	
"Market Definition in Antitrust Analysis"	1998
HIID International Workshop on Privatization, Regulatory Reform and Corporate Governance	
"Infrastructure Architecture and Regulation: Railroads"	1998
EU Committee Competition Conference -- Market Power	
"US/EC Perspective on Market Definition"	1998
Federal Trade Commission Roundtable	
"Antitrust Policy for Joint Ventures"	1998
1998 Antitrust Conference	
"Communications Mergers"	1998
The Progress and Freedom Foundation Conference on Competition, Convergence, and the Microsoft Monopoly	
Access and Bundling in High-Technology Markets	1998
FTC Program on The Effective Integration of Economic Analysis into Antitrust Litigation	
The Role of Economic Evidence and Testimony	1997
FTC Hearings on Classical Market Power in Joint Ventures	
Microeconomic Analysis and Guideline	1997
World Bank Economists --Week IV Keynote	
Making Markets More Effective With Competition Policy	1997
Brookings Trade Policy Forum	
Competition Policy and Antidumping: The Economic Effects	1997
University of Malaya and Harvard University Conference on The Impact of Globalisation and Privatisation on Malaysia and Asia in the Year 2020	
Microeconomics, Privatization, and Vertical Integration	1997
ABA Section of Antitrust Law Conference on The Telecommunications Industry	

Current Economic Issues in Telecommunications	1997
Antitrust 1998: The Annual Briefing The Re-Emergence of Distribution Issues	1997
Inter-American Development Bank Conference on Private Investment, Infrastructure Reform and Governance in Latin America & the Caribbean Economic Principles to Guide Post-Privatization Governance	1997
Harvard Forum on Regulatory Reform and Privatization of Telecommunications in the Middle East Privatization: Methods and Pricing Issues	1997
American Enterprise Institute for Public Policy Research Conference Discussion of Local Competition and Legal Culture	1997
Harvard Program on Global Reform and Privatization of Public Enterprises "Infrastructure Privatization and Regulation: Freight"	1997
World Bank Competition Policy Workshop "Competition Policy for Entrepreneurship and Growth"	1997
Eastern Economics Association Paul Samuelson Lecture "Bottleneck Access in Regulation and Competition Policy"	1997
ABA Annual Meeting, Section of Antitrust Law "Antitrust in the 21st Century: The Efficiencies Guidelines"	1997
Peruvian Ministry of Energy and Mines Conference on Regulation of Public Utilities "Regulation: Theoretical Context and Advantages vs. Disadvantages"	1997
The FCC: New Priorities and Future Directions "Competition in the Telecommunications Industry"	1997
American Enterprise Institute Studies in Telecommunications Deregulation "The Scope of Competition in Telecommunications"	1996
George Mason Law Review Symposium on Antitrust in the Information Revolution "Introduction to the Economic Theory of Antitrust and Information"	1996
Korean Telecommunications Public Lecture "Market Opening and Fair Competition"	1996
Korea Telecommunications Forum	

"Desirable Interconnection Policy in a Competitive Market"	1996
European Association for Research in Industrial Economics Annual Conference "Bottleneck Access: Regulation and Competition Policy"	1996
Harvard Program on Global Reform and Privatization of Public Enterprises "Railroad and Other Infrastructure Privatization"	1996
FCC Forum on Antitrust and Economic Issues Involved with InterLATA Entry "The Scope of Telecommunications Competition"	1996
Citizens for a Sound Economy Policy Watch on Telecommunications Interconnection "The Economics of Interconnection"	1996
World Bank Seminar on Experiences with Corporatization "Strategic Directions of Privatization"	1996
FCC Economic Forum on the Economics of Interconnection Lessons from Other Industries	1996
ABA Annual Meeting, Section of Antitrust Law The Integration, Disintegration, and Reintegration of the Entertainment Industry	1996
Conference Board: 1996 Antitrust Conference How Economics Influences Antitrust and Vice Versa	1996
Antitrust 1996: A Special Briefing Joint Ventures and Strategic Alliances	1996
New York State Bar Association Section of Antitrust Law Winter Meeting Commentary on Horizontal Effects Issues	1996
FTC Hearings on the Changing Nature of Competition in a Global and Innovation-Driven Age Vertical Issues for Networks and Standards	1995
Wharton Seminar on Applied Microeconomics Access Policies with Imperfect Regulation	1995
Antitrust 1996, Washington D.C. Assessing Joint Ventures for Diminution of Competition	1995
ABA Annual Meeting, Section of Antitrust Law	

Refusals to Deal -- Economic Tests for Competitive Harm	1995
FTC Seminar on Antitrust Enforcement Analysis Diagnosing Collusion Possibilities	1995
Philadelphia Bar Education Center: Antitrust Fundamentals Antitrust--The Underlying Economics	1995
Vanderbilt University Conference on Financial Markets Why Do Christie and Schultz Infer Collusion From Their Data?	1995
ABA Section of Antitrust Law Chair=s Showcase Program Discussion of Telecommunications Competition Policy	1995
Conference Board: 1995 Antitrust Conference Analysis of Mergers and Joint Ventures	1995
ABA Conference on The New Antitrust: Policy of the '90s Antitrust on the Super Highways/Super Airways	1994
ITC Hearings on The Economic Effects of Outstanding Title VII Orders "The Economic Impacts of Antidumping Policies"	1994
OECD Working Conference on Trade and Competition Policy "Empirical Evidence on The Nature of Anti-dumping Actions"	1994
Antitrust 1995, Washington D.C. "Rigorous Antitrust Standards for Distribution Arrangements"	1994
ABA -- Georgetown Law Center: Post Chicago-Economics: New Theories - New Cases? "Economic Foundations for Vertical Merger Guidelines"	1994
Conference Board: Antitrust Issues in Today's Economy "New Democrats, Old Agencies: Competition Law and Policy"	1994
Federal Reserve Board Distinguished Economist Series "Regulated Private Enterprise Versus Public Enterprise"	1994
Institut d'Etudes Politiques de Paris "Lectures on Competition Policy and Privatization"	1993

Canadian Bureau of Competition Policy Academic Seminar Series, Toronto. "Public Versus Regulated Private Enterprise"	1993
CEPS Symposium on The Clinton Administration: A Preliminary Report Card "Policy Towards Business"	1993
Columbia Institute for Tele-Information Conference on Competition in Network Industries, New York, NY "Discussion of Deregulation of Networks: What Has Worked and What Hasn't"	1993
World Bank Annual Conference on Development Economics "Public Versus Regulated Private Enterprise"	1993
Center for Public Utilities Conference on Current Issues Challenging the Regulatory Process "The Economics of Current Issues in Telecommunications Regulation"	1992
"The Role of Markets in Presently Regulated Industries"	1992
The Conference Board's Conference on Antitrust Issues in Today's Economy, New York, NY "Antitrust in the Global Economy"	1992
"Monopoly Issues for the '90s"	1993
Columbia University Seminar on Applied Economic Theory, New York, NY "Economic Rationales for the Scope of Privatization"	1992
Howrey & Simon Conference on Antitrust Developments, Washington, DC "Competitive Effects of Concern in the Merger Guidelines"	1992
Arnold & Porter Colloquium on Merger Enforcement, Washington, DC "The Economic Foundations of the Merger Guidelines"	1992
American Bar Association, Section on Antitrust Law Leadership Council Conference, Monterey, CA "Applying the 1992 Merger Guidelines"	1992
OECD Competition Policy Meeting, Paris, France "The Economic Impacts of Antidumping Policy"	1992
Center for Public Choice Lecture Series, George Mason University Arlington, VA "The Economic Impacts of Antidumping Policy"	1992
Brookings Institution Microeconomics Panel, Washington, DC, "Discussion of the Evolution of Industry Structure"	1992
AT&T Conference on Antitrust Essentials	

"Antitrust Standards for Mergers and Joint Ventures"	1991
ABA Institute on The Cutting Edge of Antitrust: Market Power "Assessing and Proving Market Power: Barriers to Entry"	1991
Second Annual Workshop of the Competition Law and Policy Institute of New Zealand "Merger Analysis, Industrial Organization Theory, and Merger Guidelines"	1991
"Exclusive Dealing and the <u>Fisher & Paykel</u> Case"	1991
Special Seminar of the New Zealand Treasury "Strategic Behavior, Antitrust, and The Regulation of Natural Monopoly"	1991
Public Seminar of the Australian Trade Practices Commission "Antitrust Issues of the 1990's"	1991
National Association of Attorneys General Antitrust Seminar "Antitrust Economics"	1991
District of Columbia Bar's 1991 Annual Convention "Administrative and Judicial Trends in Federal Antitrust Enforcement"	1991
ABA Spring Meeting "Antitrust Lessons From the Airline Industry"	1991
Conference on The Transition to a Market Economy - Institutional Aspects "Anti-Monopoly Policies and Institutions"	1991
Conference Board's Thirtieth Antitrust Conference "Antitrust Issues in Today's Economy"	1991
American Association for the Advancement of Science Annual Meeting "Methodologies for Economic Analysis of Mergers"	1991
General Seminar, Johns Hopkins University "Economic Rationales for the Scope of Privatization"	1991
Capitol Economics Speakers Series "Economics of Merger Guidelines"	1991
CRA Conference on Antitrust Issues in Regulated Industries "Enforcement Priorities and Economic Principles"	1990
Pepper Hamilton & Scheetz Anniversary Colloquium "New Developments in Antitrust Economics"	1990

PLI Program on Federal Antitrust Enforcement in the 90's "The Antitrust Agenda of the 90's"	1990
FTC Distinguished Speakers Seminar "The Evolving Merger Guidelines"	1990
The World Bank Speakers Series "The Role of Antitrust Policy in an Open Economy"	1990
Seminar of the Secretary of Commerce and Industrial Development of Mexico "Transitions to a Market Economy"	1990
Southern Economics Association "Entry in Antitrust Analysis of Mergers"	1990
"Discussion of Strategic Investment and Timing of Entry"	1990
American Enterprise Institute Conference on Policy Approaches to the Deregulation of Network Industries "Discussion of Network Problems and Solutions"	1990
American Enterprise Institute Conference on Innovation, Intellectual Property, and World Competition "Law and Economics Framework for Analysis"	1990
Banco Nacional de Desenvolvimento Economico Social Lecture "Competition Policy: Harnessing Private Interests for the Public Interest"	1990
Western Economics Association Annual Meetings "New Directions in Antitrust from a New Administration"	1990
"New Directions in Merger Enforcement: The View from Washington"	1990
Woodrow Wilson School Alumni Colloquium "Microeconomic Policy Analysis and Antitrust--Washington 1990"	1990
Arnold & Porter Lecture Series "Advocating Competition"	1991
"Antitrust Enforcement"	1990
ABA Antitrust Section Convention "Recent Developments in Market Definition and Merger Analysis"	1990
Federal Bar Association "Joint Production Legislation: Competitive Necessity or Cartel Shield?"	1990
Pew Charitable Trusts Conference	

"Economics and National Security"	1990
ABA Antitrust Section Midwinter Council Meeting	
"Fine-tuning the Merger Guidelines"	1990
"The State of the Antitrust Division"	1991
International Telecommunications Society Conference	
"Discussion of the Impact of Telecommunications in the UK"	1989
The Economists of New Jersey Conference	
"Recent Perspectives on Regulation"	1989
Conference on Current Issues Challenging the Regulatory Process	
"Innovative Pricing and Regulatory Reform"	1989
"Competitive Wheeling"	1989
Conference Board: Antitrust Issues in Today's Economy	
"Foreign Trade Issues and Antitrust"	1989
McKinsey & Co. Mini-MBA Conference	
"Economic Analysis of Pricing, Costing, and Strategic Business Behavior"	1989 1994
Olin Conference on Regulatory Mechanism Design	
"Revolutions in Regulatory Theory and Practice: Exploring The Gap"	1989
University of Dundee Conference on Industrial Organization and Strategic Behavior	
"Mergers in Differentiated Product Industries"	1988
Leif Johanson Lectures at the University of Oslo	
"Normative Issues in Industrial Organization"	1988
Mergers and Competitiveness: Spain Facing the EEC	
"Merger Policy"	1988
"R&D Joint Ventures"	1988
New Dimensions in Pricing Electricity	
"Competitive Pricing and Regulatory Reform"	1988
Program for Integrating Economics and National Security: Second Annual Colloquium	
"Arming Decisions Under Asymmetric Information"	1988
European Association for Research in Industrial Economics	
"U.S. Railroad Deregulation and the Public Interest"	1987
"Economic Rationales for the Scope of Privatization"	1989

"Discussion of Licensing of Innovations"	1990
Annenberg Conference on Rate of Return Regulation in the Presence of Rapid Technical Change	
"Discussion of Regulatory Mechanism Design in the Presence of Research, Innovation, and Spillover Effects"	1987
Special Brookings Papers Meeting	
"Discussion of Empirical Approaches to Strategic Behavior"	1987
"New Merger Guidelines"	1990
Deregulation or Regulation for Telecommunications in the 1990's	
"How Effective are State and Federal Regulations?"	1987
Conference Board Roundtable on Antitrust	
"Research and Production Joint Ventures"	1990
"Intellectual Property and Antitrust"	1987
Current Issues in Telephone Regulation	
"Economic Approaches to Market Dominance: Applicability of Contestable Markets"	1987
Harvard Business School Forum on Telecommunications	
"Regulation of Information Services"	1987
The Fowler Challenge: Deregulation and Competition in The Local Telecommunications Market	
"Why Reinvent the Wheel?"	1986
World Bank Seminar on Frontiers of Economics	
"What Every Economist Should Know About Contestable Markets"	1986
Bell Communications Research Conference on Regulation and Information	
"Fuzzy Regulatory Rules"	1986
Karl Eller Center Forum on Telecommunications	
"The Changing Economic Environment in Telecommunications: Technological Change and Deregulation"	1986
Railroad Accounting Principles Board Colloquium	
"Contestable Market Theory and ICC Regulation"	1986
Canadian Embassy Conference on Current Issues in Canadian -- U.S. Trade and Investment	
"Regulatory Revolution in the Infrastructure Industries"	1985
Eagleton Institute Conference on Telecommunications in Transition	
"Industry in Transition: Economic and Public Policy Overview"	1985

Brown University Citicorp Lecture "Logic of Regulation and Deregulation"	1985
Columbia University Communications Research Forum "Long Distance Competition Policy"	1985
American Enterprise Institute Public Policy Week "The Political Economy of Regulatory Reform"	1984
MIT Communications Forum "Deregulation of AT&T Communications"	1984
Bureau of Census Longitudinal Establishment Data File and Diversification Study Conference "Potential Uses of The File"	1984
Federal Bar Association Symposium on Joint Ventures "The Economics of Joint Venture Assessment"	1984
Hoover Institute Conference on Antitrust "Antitrust for High-Technology Industries"	1984
NSF Workshop on Predation and Industrial Targeting "Current Economic Analysis of Predatory Practices"	1983
The Institute for Study of Regulation Symposium: Pricing Electric, Gas, and Telecommunications Services Today and for the Future "Contestability As A Guide for Regulation and Deregulation"	1984
University of Pennsylvania Economics Day Symposium "Contestability and Competition: Guides for Regulation and Deregulation"	1984
Pinhas Sapir Conference on Economic Policy in Theory and Practice "Corporate Governance and Market Structure"	1984
Centre of Planning and Economic Research of Greece "Issues About Industrial Deregulation"	1984
"Contestability: New Research Agenda"	1984
Hebrew and Tel Aviv Universities Conference on Public Economics "Social Welfare Dominance Extended and Applied to Excise Taxation"	1983
NBER Conference on Industrial Organization and International Trade "Perspectives on Horizontal Mergers in World Markets"	1983

Workshop on Local Access: Strategies for Public Policy	
"Market Structure and Government Intervention in Access Markets"	1982
NBER Conference on Strategic Behavior and International Trade	
"Industrial Strategy with Committed Firms: Discussion"	1982
Columbia University Graduate School of Business, Conference on Regulation and New Telecommunication Networks	
"Local Pricing in a Competitive Environment"	1982
International Economic Association Roundtable Conference on New Developments in the Theory of Market Structure	
"Theory of Contestability"	1982
"Product Dev., Investment, and the Evolution of Market Structures"	1982
N.Y.U. Conference on Competition and World Markets: Law and Economics	
"Competition and Trade Policy--International Predation"	1982
CNRS-ISPE-NBER Conference on the Taxation of Capital	
"Welfare Effects of Investment Under Imperfect Competition"	1982
Internationales Institut für Management und Verwaltung Regulation Conference	
"Welfare, Regulatory Boundaries, and the Sustainability of Oligopolies"	1981
NBER-Kellogg Graduate School of Management Conference on the Econometrics of Market Models with Imperfect Competition	
"Discussion of Measurement of Monopoly Behavior: An Application to the Cigarette Industry"	1981
The Peterkin Lecture at Rice University	
"Deregulation: Ideology or Logic?"	1981
FTC Seminar on Antitrust Analysis	
"Viewpoints on Horizontal Mergers"	1982
"Predation as a Tactical Inducement for Exit"	1980
NBER Conference on Industrial Organization and Public Policy	
"An Economic Definition of Predation"	1980
The Center for Advanced Studies in Managerial Economics Conference on The Economics of Telecommunication	
"Pricing Local Service as an Input"	1980
Aspen Institute Conference on the Future of the Postal Service	
"Welfare Economics of Postal Pricing"	1979

Department of Justice Antitrust Seminar "The Industry Performance Gradient Index"	1979
Eastern Economic Association Convention "The Social Performance of Deregulated Markets for Telecom Services" 1979	
Industry Workshop Association Convention "Customer Equity and Local Measured Service"	1979
Symposium on Ratemaking Problems of Regulated Industries "Pricing Decisions and the Regulatory Process"	1979
Woodrow Wilson School Alumni Conference "The Push for Deregulation"	1979
NBER Conference on Industrial Organization "Intertemporal Sustainability"	1979
World Congress of the Econometric Society "Theoretical Industrial Organization"	1980
Institute of Public Utilities Conference on Current Issues in Public Utilities Regulation "Network Access Pricing"	1978
ALI-ABA Conference on the Economics of Antitrust "Predatoriness and Discriminatory Pricing"	1978
AEI Conference on Postal Service Issues "What Can Markets Control?"	1978
University of Virginia Conference on the Economics of Regulation "Public Interest Pricing"	1978
DRI Utility Conference "Marginal Cost Pricing in the Utility Industry: Impact and Analysis"	1978
International Meeting of the Institute of Management Sciences "The Envelope Theorem"	1977
University of Warwick Workshop on Oligopoly "Industry Performance Gradient Indexes"	1977
North American Econometric Society Convention "Intertemporal Sustainability"	1979
"Social Welfare Dominance"	1978

"Economies of Scope, DAIC, and Markets with Joint Production"	1977
Telecommunications Policy Research Conference	
"Transition to Competitive Markets"	1986
"InterLATA Capacity Growth, Capped NTS Charges and Long Distance Competition"	1985
"Market Power in The Telecommunications Industry"	1984
"FCC Policy on Local Access Pricing"	1983
"Do We Need a Regulatory Safety Net in Telecommunications?"	1982
"Anticompetitive Vertical Conduct"	1981
"Electronic Mail and Postal Pricing"	1980
"Monopoly, Competition and Efficiency": Chairman	1979
"A Common Carrier Research Agenda"	1978
"Empirical Views of Ramsey Optimal Telephone Pricing"	1977
"Recent Research on Regulated Market Structure"	1976
"Some General Equilibrium Views of Optimal Pricing"	1975
National Bureau of Economic Research Conference on Theoretical Industrial Organization	
"Compensating Variation as a Measure of Welfare Change"	1976

Conference on Pricing in Regulated Industries: Theory & Application "Ramsey Optimal Pricing of Long Distance Telephone Services"	1977
NBER Conference on Public Regulation "Income Distributional Concerns in Regulatory Policy-Making"	1977
Allied Social Science Associations National Convention "Merger Guidelines and Economic Theory"	1990
Discussion of "Competitive Rules for Joint Ventures"	1989
"New Schools in Industrial Organization"	1988
"Industry Economic Analysis in the Legal Arena"	1987
"Transportation Deregulation"	1984
Discussion of "Pricing and Costing of Telecommunications Services"	1983
Discussion of "An Exact Welfare Measure"	1982
"Optimal Deregulation of Telephone Services"	1982
"Sector Differentiated Capital Taxes"	1981
"Economies of Scope"	1980
"Social Welfare Dominance"	1980
"The Economic Definition of Predation"	1979
Discussion of "Lifeline Rates, Succor or Snare?"	1979
"Multiproduct Technology and Market Structure"	1978
"The Economic Gradient Method"	1978
"Methods for Public Interest Pricing"	1977
Discussion of "The Welfare Implications of New Financial Instruments"	1976
"Welfare Theory of Concentration Indices"	1976
Discussion of "Developments in Monopolistic Competition Theory"	1976
"Hedonic Price Adjustments"	1975
"Public Good Attributes of Information and its Optimal Pricing"	1975
"Risk Invariance and Ordinally Additive Utility Functions"	1974
"Consumer's Surplus: A Rigorous Cookbook"	1974
University of Chicago Symposium on the Economics of Regulated Public Utilities "Optimal Prices for Public Purposes"	1976
American Society for Information Science "The Social Value of Information: An Economist's View"	1975
Institute for Mathematical Studies in the Social Sciences Summer Seminar "The Sustainability of Natural Monopoly"	1975
U.S.-U.S.S.R. Symposium on Estimating Costs and Benefits of Information Services "The Evaluation of the Economic Benefits of Productive Information"	1975
NYU-Columbia Symposium on Regulated Industries "Ramsey Optimal Public Utility Pricing"	1975

Exhibit 7

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1

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3 NEW ENGLAND CARPENTERS HEALTH)
4 BENEFITS FUND, PIRELLI)
5 ARMSTRONG RETIREE MEDICAL)
6 BENEFITS TRUST, TEAMSTERS)
7 HEALTH & WELFARE FUND OF)
8 PHILADELPHIA AND VICINITY,)
9 PHILADELPHIA FEDERATION OF)
10 TEACHERS HEALTH AND WELFARE)
11 FUND, and DISTRICT COUNCIL 37)
12 HEALTH & SECURITY PLAN)
13 Plaintiffs,) Civil Action
14 -vs-) No. 1:05-CV-11148-PBS
15 FIRST DATABANK, INC., a)
16 Missouri Corporation; and)
17 McKESSON CORPORATION, a)
18 Delaware Corporation,)
19 Defendants.)

20 The RULE 30(b)(6) videotaped deposition of HEWITT
21 ASSOCIATES LLC through MATTHEW A. GIBBS, called for
22 examination, taken pursuant to the Federal Rules of Civil
23 Procedure of the United States District Courts pertaining
24 to the taking of depositions, taken before NANCY L.
25 BISTANY, a Notary Public within and for the County of
26 Cook, State of Illinois, and a Certified Shorthand
27 Reporter of said state, CSR No. 84-1857, at 200 North
28 Columbus Drive, Chicago, Illinois, on October 27, 2006, at
29 9:27 a.m.

30 C O N F I D E N T I A L
31 PURSUANT TO PROTECTIVE ORDER
32 BISTANY REPORTING SERVICE (312) 280-0825

2

1 PRESENT:

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1 A. Yes.

2 Q. -- pharmaceutical drug purchases?

3 And which ones are you familiar with?

4 A. Assuming I understand the nature of your
5 question, Aetna owns Aetna Pharmacy Management, APM; CIGNA
6 owns CIGNA Tel-Drug. Then many, many insured -- many of
7 the Blues plans own Prime Therapeutics. United owns
8 Prescription Solutions.

9 Q. Now, are you aware of payors who have
10 contracts with PBMs where the only function the PBM is
11 providing are administrative services, like claims
12 collections and things of that sort?

13 MS. CONNOLLY: Objection. Objection to form.
14 BY THE WITNESS:

15 A. I am aware of in terms of street market
16 knowledge.

17 BY MR. GOLDMAN:

18 Q. Yes.

19 A. I wouldn't be comfortable in etching it in
20 stone that that was really the case.

21 Q. Just from your understanding.

22 A. My understanding, yeah, I have some general
23 street understanding of that.

24 Q. And what is that?

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1 A. What is that understanding?

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2 Q. Yeah. Are there some -- are there some
3 payors who utilize PBMs only for claims administration?

4 MS. CONNOLLY: Same objection.

5 BY THE WITNESS:

6 A. Again, in terms of street knowledge, we do
7 hear there are some that do that.

8 BY MR. GOLDMAN:

9 Q. Do you know any names that you've heard on
10 the street?

11 A. I am aware that Humana utilizes Argus, and
12 Argus traditionally is claims administration.

13 Q. Are there payors who don't use PBMs at all?

14 MS. CONNOLLY: Objection to form.

15 BY THE WITNESS:

16 A. I don't know --

17 BY MR. GOLDMAN:

18 Q. Do it in-house as opposed to having a --

19 A. So an --

20 Q. -- company like Walgreens, I suppose --

21 A. So an employer that would pay their own
22 claims?

23 Q. Right.

24 A. I'm sure there's some legacy plans that
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1 exist, but I can't give you a specific example.

2 Q. Now, do PBMs compete with one another?

3 MS. CONNOLLY: Objection, form.

4 BY THE WITNESS:

5 A. For?